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MAY 23 - JUNE 20 1990

PLANNING AND DEVELOPMENT COMMITTEE CITY OF HAMILTON

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1990 May 17th

N O T I C E O F M E E T I N G

Planning and Development Committee
Wednesday, 1990 May 23rd
9:00 o'clock a.m.
Room 233, City Hall

Susan K. Reeder
Secretary

**ZONING APPLICATIONS WILL BE HEARD
IN THE COUNCIL CHAMBERS AT 10:30 O'CLOCK A.M.**

A G E N D A

1. Minutes of the meeting held Wednesday, 1990 April 18th.

BUILDING COMMISSIONER

2. Demolition Permit Applications.

   (a) L.A.C.A.C. - 150-152 Catherine Street South.

3. Development Charges By-law.

LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE

4. Letter to Premier - Capital Theatre in Cornwall, Ontario to be saved.

DIRECTOR OF COMMUNITY DEVELOPMENT

5. Ontario Home Renewal Programme Applications.

6. Downtown Action Plan, Phase IIIA, Gateways, Design Competition and Provision in the 1991-1995 Capital Budget.

7. Crown Point West/Stipeley Programme for Renewal Improvement Development and Economic Revitalization (P.R.I.D.E.) Phase II; Ministerial Allocation for 1989-1990 Programme Year.

CITY TREASURER

8. Final Release of Holdback - Downtown Hamilton Action Plan IV - Jarvis Square.

MANAGER OF PURCHASING

9. Construction of Park Maintenance Building, Lucy Day Park.

ACTING COMMISSIONER OF ENGINEERING

10. Cash Payment in lieu of 5% Parkland Dedication - "Rymal Estates".

DIRECTOR OF LOCAL PLANNING

11. Proposed Draft Plan of Subdivision - Effort Gardens Extension.

12. Appeals of Committee of Adjustment Decisions:

    (a) 734 7th Avenue
    (b) 60 and 76 Harlowe Road

13. Correction to By-law of Adoption (90-40) for Official Plan Amendment 84, 820 Rymal Road East.

14. Windermere Basin Land Use Disposition.

15. Environmental Impact Statement - Trans-Northern Pipeline Relocation, Kings Forest Park.

16. Housing Intensification Study (Authorization for Public Meeting).

17. Central Business District Study - Stage 1.

18. Site Plan Control Application 89-111 - 603815 Ontario Inc.(W. A. Hemstreet), owner, for lands municipally known as 1492 Upper James Street; Ryckmans Neighbourhood.

19. Site Plan Control Application 90-18 - Truscan Realty Limited, owners, for property at 938 King Street West.

CENTRAL AREA PLAN IMPLEMENTATION COMMITTEE

20. Royal Commission on the Future of the Toronto Waterfront.

9:30 O'CLOCK A.M.

ALDERMAN JOHN SMITH

21. Hydro hookups in illegally converted dwellings.

    (a) Information Report - Building Commissioner.


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ZONING APPLICATIONS

10:30 O'CLOCK A.M.

COUNCIL CHAMBERS

10:30 O'CLOCK A.M.

22. Zoning Application 90-17, I. Johnson, owner, for a change in zoning from "AA" to "R-4" for the rear part of property at 1279 Upper Gage Avenue; Quinndale Neighbourhood.

23. Subdivision Application 89-22 and Zoning Application 89-104, Carriagegate Homes Ltd., owner, for a change in zoning from "AA" and "C" to "A", "C", "RT-30" and "HH" for land municipally known as 1441 Upper James Street; Ryckmans Neighbourhood.

24. Zoning Application 90-22, Taba Developments Ltd., owner, for a modification to the "M-12" District for lands on the east side of Upper Ottawa Street in the area south of Stone Church Road East; Rymal Neighbourhood.

    (a) Letter of Submission - Anthony G. DiCenzo, Solicitor, Fraser & Beatty, on behalf of 874289 Ontario Inc. and DiCenzo Construction Co. Ltd.

10:45 O'CLOCK A.M.

25. Subdivision Application 89-18 and Zoning Application 89-96, Abra Developments Inc., owner, for a change in zoning from "AA" to "M-14" for land on the south of Rymal Road East between Glover Road and Trinity Church Road; Hannon South Neighbourhood.

26. Zoning Application 90-20, W. Kosar (In Trust) prospective owner, for a change in zoning from "AA" to "E-2" for property at 912 Rymal Road East; Broughton East Neighbourhood.

27. Zoning Application 90-28, Alfrin Enterprises Corp., prospective owner, for a modification to the "C" District for property at 73 Garfield Avenue South; Stipeley Neighbourhood.

11:00 O'CLOCK A.M.

28. Zoning Application 90-27, S. & J. Food Distributors Ltd., owner, for a modification to the M-14 District for property at 105 Nebo Road; Rymal Neighbourhood.

29. City Initiative 90-C, City of Hamilton, owner, for modification to the "A" District for land on the east side of Lake Avenue North in the area south of Barton Street East; Riverdale West Neighbourhood.

Letters of Submission

(a) Peter Corradetti, 90 Strawberry Drive, Stoney Creek.
(b) Riverdale East and West Ravine Action Committee.
(c) Kate Wilson, 95 Barlake Avenue, Stoney Creek.
(d) Mr. & Mrs. Lea, 173 Lake Avenue North, Stoney Creek.

11:15 O'CLOCK A.M.

30. Rental Housing Protection Act - Application RR-90-001 for 14 Duke Street.

(a) Letter of Submission - Herman Turkstra, abutting property owner.

11:30 O'CLOCK A.M.

31. Upper James Street Land Use Review. (P5-4-39)

32. Other Business.

33. Adjournment.

Wednesday, 1990 April 18
9:00 o'clock a.m.
Room 233, City Hall

The Planning and Development Committee met.

There were present: Alderman J. Smith, Chairman
Alderman F. Lombardo, Vice-Chairman
Mayor Robert M. Morrow
Alderman M. Kiss
Alderman H. Merling
Alderman D. Ross
Alderman D. Christopherson
Alderman W. McCulloch
Alderman D. Drury

Also present: Alderman J. Gallagher
Alderman T. Murray
Mr. L. Woods, Chairman, Committee of Adjustment
Mr. D. Kelterborn, Hamilton Board of Education
Mr. J. Thoms, Commissioner of Planning and Development
Mr. A. Georgieff, Director of Local Planning
Mr. P. Mallard, Planning Department
Mr. P. Lampman, Deputy Building Commissioner
Mr. D. Pickard, Building Department
Mr. R. Harvey, Building Department
Ms. Patrice Noé Johnson, City Solicitor
Mr. D. Godley, Planning Department
Mr. K. Brenner, Regional Engineering Department
Mr. R. Karl, Traffic Department
Mr. L. King, Building Commissioner
Mr. J. Swartz, Regional Planning Department
Mr. G. Groppler, Planning Department
Mr. W. Wong, Building Department
Mr. C. Floroff, Planning Department
Mr. P. Hooker, City Solicitor's Office
Ms. Kelly Greves, Co-op Student
Mrs. Susan K. Reeder, Secretary

Minutes – 1990 March 21.

The Committee was in receipt of the minutes of their meeting held Wednesday, 1990 March 21 and **APPROVED** these minutes.

Demolition Permit Applications.

The Committee was in receipt of a report from the Building Commissioner dated 1990 April 9, respecting Demolition Permit Applications.

The Committee **APPROVED** the following:

That the Building Commissioner be authorized to issue demolition permits for the following properties:

(a) 215 Chester Street
(b) 30 William Street

City of Hamilton Heritage Programe – 96 James Street South (James Street Baptist Church)

The Committee was in receipt of a report from the Director of Community Development dated 1990 April 12, respecting City of Hamilton Heritage Programme - 96 James Street South, Hamilton (The James Street Baptist Church).

The Committee **APPROVED** the following:

(a) That a repayable loan under the Community Heritage Trust Fund in the amount of fifty thousand dollars ($50,000.) be approved for 96 James Street South, the James Street Baptist Church. The interest rate will be six percent, amortized over 10 years; and,

(b) That a Designated Property Grant in the amount of three thousand dollars ($3,000.) be provided to the James Street Baptist Church, 96 James Street South, Hamilton.

Commerical Facade Loan Programe Application.

The Committee was in receipt of a report from the Director of Community Development dated 1990 April 12, respecting the Commercial Facade Loan Programme Application for an increase for property at 355 Barton Street East.

The Committee APPROVED the following:

> That an increase under the Commercial Facade Loan Programme, in the amount of two thousand and nine dollars ($2,009.) be approved for 355 Barton Street East, Ms. C. Rodriguez, for a new loan amount of eleven thousand, six hundred and eighty-three dollars ($11,683). The interest rate will be 6-3/4 percent, amortized over 10 years.

Amendment to By-law No. 88-135 for property at 1489-1545 Upper James Street.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 March 26, respecting an amendment to By-law No. 88-135 for property at 1489-1545 Upper James Street.

The Committee APPROVED the following:

> That the City Solicitor be directed to prepare a by-law to delete Schedule "A" of By-law No. 88-135 and replace it with a revised Schedule "A" to correct technical errors in the dimensions for the front and rear property lines, for the lands municipally known as 1489-1545 Upper James Street, as shown on the attached map marked as Appendix "A".
>
> NOTE: The purpose of this by-law is to delete Schedule "A" of By-law No. 88-135 and replace it with a revised Schedule "A", for lands municipally known as 1489-1545 Upper James Street.
>
> The effect of this by-law is to correct the dimensions for the front and rear lot lines which were incorrectly shown. It should be noted, that the new Schedule will be consistent with the properties stipulated in the text of By-law No. 88-135 and will not result in an extension of the zoning boundary.

Committee of Adjustment - Minor Variance Applications.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 April 10, respecting Committee of Adjustment - Minor Variance Applications.

Mr. P. Mallard of the Planning and Development Department outlined the report to the Committee. Considerable discussion ensued on this matter.

Moved by Alderman Merling, seconded by Alderman McCulloch:

> That the Committee of Adjustment be dissolved for a six (6) month period and that applications normally dealt with by the Committee of Adjustment be heard by the Planning and Development Committee.

Recorded vote:

Yeas - Kiss, McCulloch, Merling

Nays - Smith, Lombardo, Christopherson, Ross

MOTION LOST

It was then moved by Alderman Christopherson, seconded by Alderman Ross and carried to APPROVE the following:

(a) That the Planning and Development Committee advise the Committee of Adjustment of its concern respecting the approval of applications which are not "minor variances".

(b) That the Planning and Development Committee direct the Planning and Development Department to file appeals, subject to Committee and Council ratification, against those decisions of the Committee of Adjustment which are deemed not to be minor in nature, or in keeping with the intent and purpose of the Zoning By-law and/or Official Plan.

(c) That the Building Commissioner be directed to prepare an Information letter to be given out to all applicants to the Committee of Adjustment advising them that the Committee mandate is to consider matters of "minor variances".

Zoning Applications.

At this point the Committee recessed and moved to the Council Chambers to hear Zoning Applications.

ZA89-125 - 63 and 67 Malton Drive.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 April 3, respecting Neighbourhood Plan Review to examine the Potential Development within the existing built up area - Kennedy East Neighbourhood and Zoning Application 89-125 for properties located at 63 and 67 Malton Drive.

The staff recommendation was as follows:

(a) That the neighbourhood plan for the Kennedy East Neighbourhood remain unchanged; and,

(b) That Zoning Application 89-125, Joan and Bruce Richardson & Ruby and Wellman Stockton, owners, requesting a change in zoning from "B" (Suburban Agriculture and Residential, etc.) District to "C" (Urban Protected Residential, etc.) District, to create two single-family dwelling building lots fronting onto Christie Street, for property located at 63 and 67 Malton Drive, as shown on the attached map be **DENIED** for the following reasons:

(i) The proposal is incompatible with the character of development in the surrounding area as this portion of the Kennedy East Neighbourhood is dominated by large lot single-family detached dwellings. The proposed lots would provide for an indiscriminate mix of lot sizes which is undesirable, and would undermine the established residential character of the neighbourhood;

(ii) Approval of the application may encourage other similar applications which, if approved, would alter the character of the neighbourhood; and,

(iii) The proposal represents an undesirable intrusion of the "C" (Urban Protected Residential, etc.) District into the "B" (Suburban Agriculture and Residential, etc.) District.

The Committee deliberated on this matter and **APPROVED** the Zoning Application as follows:

That approval be given to Zoning Application 89-125, Joan and Bruce Richardson & Ruby and Wellman Stockton, owners, requesting a change in zoning from "B" (Suburban Agriculture and Residential, etc.) District to "C" (Urban Protected Residential, etc.) District, to create two single-family dwelling building lots fronting onto Christie Street, for property located at 63 and 67 Malton Drive, as shown on the attached map marked as Appendix "B", on the following basis:

(a) That the subject properties be rezoned from "B" (Suburban Agriculture and Residential, etc.) District to "C" (Urban Protected Residential, etc.) District;

(b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-9E for presentation to City Council; and,

(c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the by-law is to provide for a change in zoning from "B" (Suburban Agriculture and Residential, etc.) District to "C" (Urban Protected Residential, etc.) District modified for properties located at 63 and 67 Malton Drive.

The effect of the By-law is to provide for the creation of two single-family residential lots at the rear of the subject properties, fronting onto Christie Street.

ZA89-130 - 564,570,574, 580,586,590 and 596 Stone Church Road East.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 April 11, respecting Zoning Application 89-130, for properties at 564, 570, 574, 580, 586, 590 and 596 Stone Church Road East.

The Committee **APPROVED** the following:

That approval be given to Zoning Application 89-130, A. Cameracci, agent/owner, requesting a change in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District (Block "1"), and from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single Family Detached) District (Block "2"), for the rear part of properties located at 564, 570, 574, 580, 586, 590 and 596 Stone Church Road East, as shown on the attached map marked as Appendix "C", on the following basis:

(a) That the lands described as Block "1" be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District;

(b) That the lands described as Block "2" be rezoned from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single-Family Detached) District;

(c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-27C for presentation to City Council;

(d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of this By-law is to provide for changes in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District (Block "1"), and from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single-Family Detached) District (Block "2"), for the rear part of property located at 564, 570, 574, 580, 586, 590 and 596 Stone Church Road East.

The effect of the By-law is to permit future development of the subject lands for small lot single-family detached dwellings fronting onto the proposed extension of Acadia Drive.

Subdivision Application 89-26 and ZA89-111 - 991 Upper Paradise Road.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 April 11, respecting Subdivision Application 89-26, for property on the east side of Upper Paradise Road south of Skyview Drive, as well as Zoning Application 89-111, for property at 991 Upper Paradise Road.

Report of the circularization was given as follows:

120 notices sent 9 in favour 7 opposed

Mr. R. Charko, Solicitor on behalf of Paradise Corner Children's Centre, spoke to the Committee with respect to the Centre's concerns at the overintensification of the Daycare use proposed for the area on Upper Paradise Road. Mr. Charko spoke on various aspects of Daycare operations and indicated that waiting lists are deceiving since most parents put their names on all the waiting lists.

Mr. Charko also introduced Mr. Fred Lee, who lives on Howarth Avenue, who is opposed to the application for a Daycare for 95 children.

Mr. Sharif, owner and applicant, spoke to the Committee and sited the waiting lists in the area for Daycare spots. He added that he is not concerned about the financial aspects of filling 95 spots as requested in his application. He feels that a Daycare is needed due to the growth of the area and requested that the Committee approve his application.

Considerable discussion ensued on this matter and the Committee agreed that they would **APPROVE** Block "1" and the Subdivision of the property, but that they would **TABLE** Block "2" of the property which involves the establishment of a Daycare Centre in order that further discussion can ensue between the owner of the property, staff and the Social Service Agency with respect to the number of children which would be allowed at that Daycare Centre.

The Committee then **APPROVED** the following:

(a) That approval be given to Subdivision Application 89-26, Yaser Sharif, owner, to establish a draft plan of subdivision on the east side of Upper Paradise Road south of Skyview Drive, subject to the following conditions:

(i) That approval apply to the plan prepared by Guido Consoli Surveying Ltd., dated 1989 October 20, revised to show 38 lots, Block "39" for a day care centre and a 9.0m wide walkway, Block "40".

(ii) That the streets be dedicated to the City of Hamilton as public highway on the final plan.

(iii) That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.

(iv) That the final plan conform to the zoning by-law approved under The Planning Act.

(v) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.

(vi) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block in the final plan.

(vii) That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the final plan to the City of Hamilton for park purposes.

(viii) That the owner landscape the 9.0m wide walkway (Block "40") to the satisfaction of the City of Hamilton.

(ix) That this plan not be registered until the construction of storm and sanitary sewer services for Upper Paradise Road have been approved.

(x) That the radius transition which abuts the cul-de-sac bulb be changed from 4.5m to 9.0m.

(xi) That the street align with the existing street to the north.

(xii) That the owner shall erect a sign in accordance with Section XI of the subsequent Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.

(xiii) That the owner agree in writing to satisfy all the requirements, financial and otherwise of the City of Hamilton.

(b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (SA-89-26), Yaser Sharif, owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

That approval be given to Zoning Application 89-111, Yaser Sharif, owner, requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for Block "1" for property municipally known as 991 Upper Paradise Road, to permit single-family detached dwellings, as shown on the attached map marked as Appendix "D", on the following basis:

(a) That Block "1" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;

(b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps W-27C and W-27D for presentation to City Council; and,

(c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for Block "1", for the property municipally known as 991 Upper Paradise Road.

The effect of the By-law is to permit future single-family residential development on Block "1".

ZA89-114 - rear of 1490 Upper Gage Avenue.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 April 3, respecting Zoning Application 89-114, for property at the rear of 1490 Upper Gage Avenue.

Report of the circularization was given as follows:

132 notices sent 11 in favour 4 opposed

Mr. Marovich, 234 Country Club Drive spoke on this matter and indicated that he feels that the development would lower the value of the properties in the area.

The Committee discussed this matter and **APPROVED** the following:

That approval be given to Zoning Application 89-114, Daniel Stuart Alvey, agent for the owner, requesting a change in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single-family Detached) District to create three building lots for small lot single-family detached dwellings, for property located at the rear of 1490 Upper Gage Avenue, as shown on the attached map marked as Appendix "E", on the following basis:

(a) That the subject lands be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District;

(b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-38D for presentation to City Council; and,

(c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District for property located at the rear of 1490 Upper Gage Avenue.

The effect of the By-law is to create three (3) building lots for small lot single-family detached dwellings, fronting onto the proposed extension of Elmore Drive.

ZA90-12 - 1574 Upper Gage Avenue.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 April 10, respecting Zoning Application 90-12, for property at 1574 Upper Gage Avenue.

The Committee **APPROVED** the following:

That approval be given to Zoning Application 90-12, Alena Miller, owner, requesting a change in zoning from "L-mr-1" (Planned Development-Multiple Residential) District to "C" (Urban Protected Residential, etc.) District (Block "1"), and from "L-mr-1" (Planned Development-Multiple Residential) District to "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District modified (Block "2"), to permit a single-family dwelling on Block "1", and either a single-family dwelling, a two-family dwelling or townhouse dwelling having 3 units on property located at 1574 Upper Gage Avenue (Block "2"), as shown on the attached map marked as Appendix "F", on the following basis:

(a) That the lands described as Block "1" be rezoned from "L-mr-1" (Planned Development - Multiple Residential) District to "L-r" (Planned Development - Low Density Residential) District to "C" (Urban Protected Residential, etc.) District;

(b) That the lands described as Block "2" be rezoned from "L-mr-1" (Planned Development - Multiple Residential) District to "L-r" (Planned Development - Low Density Residential) District to "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District;

(c) That the "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District regulations as contained in Section 10 of Zoning By-law No. 6593 applicable to the lands described as Block "2", be modified to include the following variances as special requirements:

(i) That notwithstanding Section 10D(7)(a) of By-law No. 6593 a townhouse dwelling having a maximum of only 3 single-family dwelling units shall be permitted;

(ii) That notwithstanding Section 10D(7)(b) of By-law No. 6593 a minimum lot width of 20.20 m shall be permitted.

(d) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1173, and that the subject lands on Zoning District Map E-38C be notated S-1173;

(e) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-38C for presentation to City Council;

(f) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area;

(g) That the Eleanor Neighbourhood Plan be amended by redesignating Block "1" from "Attached Housing" to "Single and Double" residential.

NOTE: The purpose of the by-law is to provide for changes in zoning from "L-mr-1" (Planned Development - Multiple Residential) District to "C" (Urban Protected Residential, etc.) District (Block "1"), and from "L-mr-1" (Planned Development-Multiple Residential) District to "D" (Urban Protected Residential One and Two-Family Dwellings, Townhouses, etc.) District, modified (Block "2"), for property located at 1574 Upper Gage Avenue.

The effect of the by-law is to permit a single-family detached dwelling on Block "1", and either a single-family detached dwelling, a two-family dwelling or 3 unit townhouse dwelling on Block "2".

In addition, the By-law provides for the following variances as special requirements:

(a) To restrict the maximum number of townhouse dwelling units on Block "2" to three (Section 10D(7)(a));

(b) To permit a minimum lot width of 20.20 m for townhouse development on Block "2" instead of the required 27.0m (Section 10D(7)(b)).

ZA90-16 - 1610,1614, 1620 and 1626 Upper Gage Avenue.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 April 10, respecting Zoning Application 90-16, for property at 1610, 1614, 1620 and 1626 Upper Gage Avenue.

Report of the circularization was given as follows:

300 notices sent 4 in favour 8 opposed

Mr. Greg Dechance, 486 Eaglewood Drive spoke in opposition to this application. He is concerned that the development will be geared to income and will devalue his new home.

The owner of property at 491 Eaglewood Drive also spoke in opposition to this application. He indicated that he recently purchased his home and fears that this project could devalue his property.

Ms. Theresa Vanyeara, on Sinena Avenue spoke in opposition to the application and indicated that she fears it will devalue her property.

The owner of property on Sinena Avenue also spoke in opposition and indicated that she fears this project will devalue her property.

Mrs. Miller, owner of property in the area spoke in opposition to the application and indicated that this development has been pursued by the applicant for over two years now. She added that she feels residents should have some input on the site plan.

Mr. Harnden, co-owner and applicant for the property spoke to the Committee and indicated that he wishes approval for his application.

The Planning staff advised the Committee that this property automatically comes under site plan control. Staff from the Traffic Department advised the Committee that they are always opposed to street townhouses with direct access of each unit onto a main road. The Traffic Department favours block townhousing with a street in front of the property and a couple of entrances and exits onto the main arterial road instead.

The Committee discussed this matter at great length and agreed that they would **APPROVE** street townhousing. Note: the staff recommendation had recommended prohibiting a street townhouse development.

The Committee then **APPROVED** the following recommendation:

That approval be given to Zoning Application 90-16, H.C. Harnden and H.A. Anderson, owners, requesting a change in zoning from "AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District for Block "1" and a change in zoning from "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse-Maisonette) District for Block "2", to permit townhouse development for property located at 1610, 1614, 1620 and 1626 Upper Gage Avenue, as shown on the attached map marked as Appendix "G", on the following basis:

(a) That Block "1" be rezoned from "AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District;

(b) That Block "2" be rezoned from "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse-Maisonette) District;

(c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-38D for presentation to City Council; and,

(d) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District for Block "1" and a change in zoning from "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse-Maisonette) District for Block "2", for property located at 1610, 1614, 1620, and 1626 Upper Gage Avenue.

The effect of the By-law is to permit future development of the subject properties for street-townhouses, townhouses or maisonettes.

ZA90-02 – 70 and 80 Lancing Drive.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 April 4, respecting Zoning Application 90-02, for property at 70 and 80 Lancing Drive.

The Committee **APPROVED** the following:

That approval be given to Zoning Application 90-02, Juan Puig, owner, for a modification to the established "M-14" (Prestige Industrial) District regulations to permit the wholesale of steel and steel products, on property located at 70 and 80 Lancing Drive, as shown on the attached map marked as Appendix "H", on the following basis:

(a) That the "M-14" (Prestige Industrial) District regulations as contained in Section 17F of Zoning By-Law No. 6593, applicable to the subject lands, be modified to include the following variance as a special requirement:

(i) That notwithstanding Section 17F(1)(b), the following additional commercial use shall be permitted:

Commercial Use	S.I.C. Identification
Iron and Steel Primary Forms and Structural Shapes, Wholesale	5611

(b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1174, and that the subject lands on Zoning District Map E-59D be notated S-1174;

(c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-59D for presentation to City Council;

(d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide for a modification to the "M-14" (Prestige Industrial) District regulations, for properties located at 70 and 80 Lancing Drive.

The effect of the By-law is to permit the following additional commercial use:

Commercial Use	S.I.C. Identification
Iron and Steel Primary Forms and Structural Shapes, Wholesale	5611

ZA90-15 – west side of Anchor Road in the area south of Stone Church Road East.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated April 10, respecting Zoning Application 90-15, for property on the west side of Anchor Road in the area south of Stone Church Road East.

The Committee was also in receipt of a Letter of Submission from Gordon Albini, Gordon Construction, 12 Bigwin Road.

The Committee **APPROVED** the following:

(a) That approval be given to Official Plan Amendment No. 88 to establish a Special Policy Area to permit a limited number of commercial uses, and the City Solicitor be directed to prepare a by-law of adoption for submission to the Regional Municipality of Hamilton-Wentworth.

(b) That approval be given to Zoning Application 90-15, M. Mercanti, owner, requesting a further modification to the "M-13" (Prestige Industrial) District regulations, to permit the development of the subject lands for a 50 room motel/hotel, two banquet halls having 200 seats each and a Wedding Centre containing a catering business, limousine service, bridal boutique, video store, jewellery shop, flower/balloon shop, video/photo studio, gift shop, travel agency, and chapel, for lands located on the west side of Anchor Road in the area south of Stone Church Road East, as shown on the attached map marked as Appendix "I", on the following basis:

(i) That notwithstanding Sections 17E(1)(a), (c) and (d), a wedding centre comprised of one or more of the following uses shall be permitted:

Residential Uses	S.I.C. Identification
(1.) Hotel (max. 50 rooms); or,	9111
(2.) Motel (max. 50 rooms)	9112
Commercial Uses	
(1.) Other Transportation Services n.e.c., (restricted to a limousine service exc. airports and stations))	4589
(2.) Womens Clothing Store restricted to a Bridal Boutique)	6131
(3.) Florist Shop	6521
(4.) Jewellery Store	6561
(5.) Gift, Novelty & Souvenir Store (restricted to a gift shop and balloon store)	6582
(6.) Operators of Non-Residential Buildings (restricted to two banquet halls maximum capacity of 200 persons each)	7512
(7.) Caterers	9214
(8.) Motion Picture Video Production (restricted to video production)	9611
(9.) Religious Organizations (restricted to a chapel)	9811
(10.) Photographers	9931
(11.) Ticket and Travel Agency	9961
Industrial Use	
(1.) Dry Pasta Products Industry	1092

(c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-658c, and that the subject lands on Zoning District Map E-69B be notated S-658c;

(d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-69B for submission to City Council;

(e) That the proposed change in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon the approval of Official Plan Amendment No. 88 by the Regional Municipality of Hamilton-Wentworth.

NOTE: The purpose of the by-law is to provide for a further modification to the "M-13" (Prestige Industrial) District regulations for the property located on the west side of Anchor Road in the area south of Stone Church Road East.

The effect of the by-law is to permit the development of the subject lands for a wedding centre comprised of one or more of the following uses:

Residential Uses

(a) Hotel (maximum 50 rooms); or
(b) Motel (maximum 50 rooms)

Commercial Uses

(a) Two banquet halls, having 200 seats each;
(b) Catering business;
(c) Limousine service;
(d) Bridal boutique;
(e) Jewellery store;
(f) Video/photo studio;
(g) Gift shop;
(h) Flower/balloon shop;
(i) Chapel;
(j) Travel agency.

Industrial Use

(a) Manufacturing of dry pasta products.

ZA90-30 - 12 Ray Street South.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 April 3, respecting Zoning Application 90-30, for property at 12 Ray Street South.

The Committee APPROVED the following:

That approval be given to Zoning Application 90-30, Regina Pirro, owner, requesting the removal of the 'H' (Holding) symbol under Section 35(1) of the Planning Act, and the City Solicitor be directed to prepare a by-law for submission to City Council for property located at 12 Ray Street South, as shown on the attached map marked as Appendix "J".

NOTE: The purpose of this by-law is to remove the 'H' (Holding) Symbol for the property located at 12 Ray Street South. The holding provision was placed on the subject lands until such time as adequate parking was provided on-site. In this regard, the site can accommodate four (4) parking spaces.

The effect of this by-law is to permit the conversion of the existing building for such uses as a hair dresser, beauty salon, business offices, etc. Professional offices are excluded.

NOTE: Alderman Kiss opposed.

Walkway Closure between Cranbrook Drive and Gardiner Drive, Gilkson Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 February 21, respecting requested walkway closure between Cranbrook Drive and Gardiner Drive, Gilkson Neighbourhood.

Mr. George Pollock, 103 Gardiner Drive spoke to the Committee and indicated that he is an eighteen year resident of the area. He advised that he wishes to have the walkway closed due to the amount of debris in the walkway, as well as the area being used as a hangout. Mr. Pollock further added that the walkway condition is deteriorating as the area becomes more developed. He also added that the walkway was an afterthought in the development and not properly planned.

Ms. Ruth Ann Broughan, 75 Gardiner Drive spoke in support of maintaining the walkway. She added that her family uses the walkway and if it were closed it would create a great inconvenience for them. She further added that her family felt the walkway was an asset when they purchased their home.

Ms. Wendy Blackwell, 352 Cranbrook Drive also spoke in support of maintaining the walkway and disputes that there is excessive litter in the walkway any more than there is in any other area.

The owner of property at 360 Cranbrook Drive also spoke in support of maintaining the walkway and also disputed the amount of excessive litter in the walkway area. She sees the walkway as an asset to the properties.

The Committee discussed this matter at great length and **APPROVED** the following:

(a) That the walkway between Cranbrook Drive and Gardiner Drive, Gilkson Neighbourhood remain open and the Neighbourhood plan not be changed, as attached herewith on Appendix "K".

(b) That the Transport and Environment Committee be informed of the above-noted recommendation contained in Section (a).

Further to discussion on this matter, the Committee also spoke about the need for maintenance of these walkways. Alderman Ross, indicated that he would speak to the Transport and Environment Committee with respect to the need for maintenance of these walkways as part of the Public Works Maintenance Programme.

City Initiative - Harbour Zoning.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 April 12, respecting City Initiative - Harbour Zoning.

Alderman Merling expressed considerable concerns with respect to various aspects of this recommendation and general discussion ensued on this matter by the Committee.

It was then agreed that this matter would be **TABLED** to the next meeting of the Planning and Development Committee, in order that Mr. Ian Binnie, the City's Solicitor with respect to Harbour matters could be invited to attend the meeting to speak to the Committee on issues pertaining to the Harbour. It was noted that since this discussion would contain matters of a Private and Confidential nature that this portion of the Agenda would probably be held In-Camera.

Uses permitted within the 'M' District.

Alderman Lombardo expressed concerns about the uses contained within the "M" District and requested that this staff report be expedited as quickly as possible. Mr. Paul Mallard of the Planning Department advised the Committee that this staff report is being processed and that they will ensure that this matter is given priority.

Adjournment.

There being no further business, the meeting then adjourned.

Taken as read and approved,

ALDERMAN J. SMITH, CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE

Susan K. Reeder
Secretary
1990 April 18

FOR ACTION

2.

REPORT TO: The Planning and Development Committee

FROM: L.C. King, Building Commissioner

DATE: 15 May 1990
COMM. FILE:
DEPT. FILE:

SUBJECT:

Demolition

RECOMMENDATION:

That demolition control be applied to the following properties and that no demolition permit be issued until such time as the owner obtains a building permit: -

a. 150 Catharine Street South
b. 152 Catharine Street South

That the Building Commissioner be authorized to issue demolition permits for the following properties: -

c. 52 Canada Street
d. 501 Rennie Avneue
e. 166 Montrose Avenue
f. 56 East Bend Avenue South

That the following demolition permit be tabled: -

g. 592 Stone Church Road East

FINANCIAL IMPLICATIONS: N/A

BACKGROUND:

For background information see attached sheets.

BUILDING DEPARTMENT

DEMOLITION CONTROL

CATEGORY "A" - PROPOSED USE OF LAND IS PERMITTED BY PRESENT ZONING

DATE: 15 May 1990

ITEM	ADDRESS	PRESENT USE	PROPOSED USE	LOT SIZE	OWNER	ZONE	RECOMMENDATION
A.	150 Catharine S.	S.F.D.	Condominiums	22.5' X 137'	Buckingham York Ltd. (Mr. Bartkiw)	"E-3"	It is recommended that Committee approve demolition. Subject to demolition control. (Tabled from May 2/90 P. & D.) *SEE NOTE BELOW
B.	152 Catharine S.	S.F.D.	Condominiums	21.5' X 137'	Buckingham York Ltd. (Mr. Bartkiw)	"E-3"	It is recommended that Committee approve demolition. Subject to demolition control. (Tabled from May2/90 P & D.) * SEE NOTE BELOW
C.	52 Canada St.	S.F.D.	S.F.D.	50' X 100'	Neville King	"D"	It is recommended that Committee approve demolition.
D.	501 Rennie Ave.	S.F.D.	Industrial Warehouse	64' X 124'	Joe Laratta	"J"	It is recommended that Committee approve demolition.
E.	166 Montrose Ave.	S.F.D.	S.F.D.	68' X 115'	Amedeo Cialiani	"C"	It is recommended that Committee approve demolition.
F.	56 East Bend Ave. S.	S.F.D.	Parking for commerical business	75' X 56'	Dreger-Ward	"H"	It is recommended that Committee approve demolition.

* SECTION 33(6) OF THE ONTARIO HERITAGE ACT.
(6) Subject to subsection (7), the council shall, on application therefor, issue a demolition permit where a building permit has been issued to erect a new building on the site of the residential property sought to be demolished.

BUILDING DEPARTMENT

DEMOLITION CONTROL

CATEGORY "A" - PROPOSED USE OF LAND IS PERMITTED BY PRESENT ZONING

DATE: 15 May 1990

ITEM	ADDRESS	PRESENT USE	PROPOSED USE	LOT SIZE	OWNER	ZONE	RECOMMENDATION
G.	592 Stone Church Road East	S.F.D.	Residential subdivision	220,429 sq. ft.	839891 Ontario Ltd.	"R-4"	It is recommended that Committee table demolition. Pending legal proceedings. Demolished without permit.

L.C. King, P. Eng.,
Building Commissioner
/WKW/ggf

FOR ACTION

2a.

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: C. J. Coutts, Secretary
Local Architectural Conservation
Advisory Committee

DATE: 1990 May 16

COMM FILE:
DEPT FILE:

SUBJECT: ***150-152 CATHERINE STREET SOUTH - NO DEMOLITION PERMIT TO BE ISSUED***

RECOMMENDATION:

That no demolition permit be issued for the residential properties located at 150 and 152 Catherine Street South until such time as the owner obtains a building permit. The demolition permit could then be issued in accordance with S33(6) of the Planning Act.

C Coutts

FINANCIAL IMPLICATIONS: *(IF NONE, STATE N/A)*

N/A

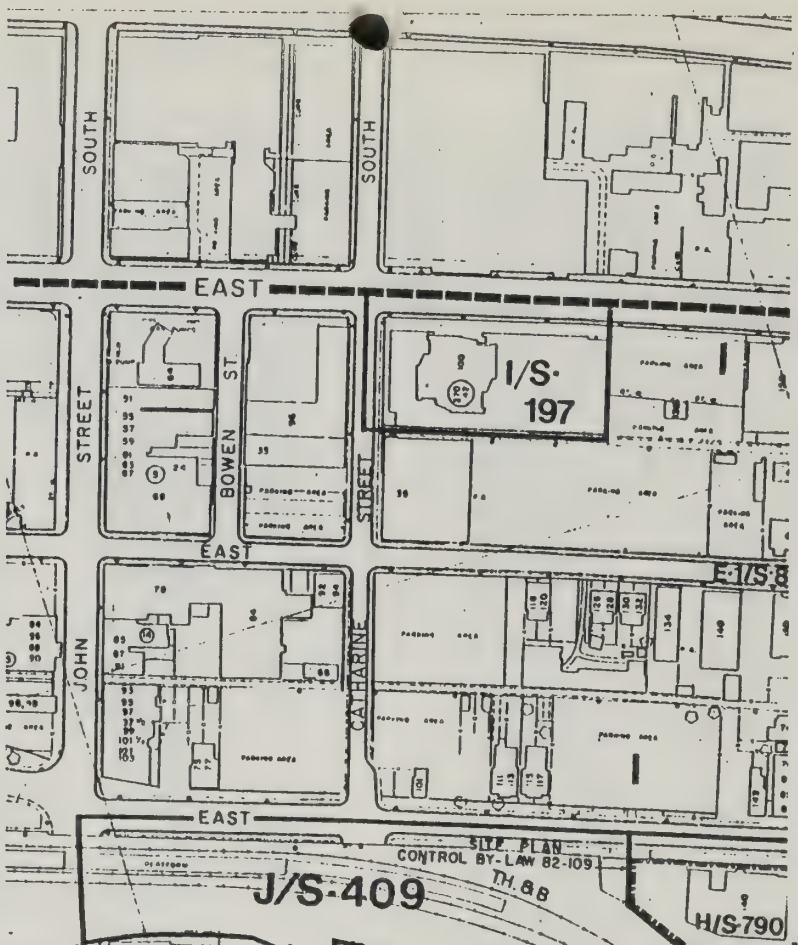
BACKGROUND:

The owner, Buckingham York Ltd., has applied for a demolition permit to build a condominium building on the site. The Planning and Development Committee approved at its last meeting the Building Department's recommendation to table these two applications in order that they be referred to LACAC for comment. Both houses are listed on the City's Inventory of Buildings of Architectural and/or Historical Interest.

LACAC's Research Sub-Committee recommended at its meeting held 1990 April 25 that the provisions of the Demolition Control By-law be applied to these two properties.

Map and photographs attached.







50 Catharine Street South

152 Catharine Street South



CITY OF HAMILTON

CORKTOWN

ZONING

SCALE 0 50m 100m NORTH

PLANNING UNIT NO		PAGE NO
6702	JANUARY 1990	31

3.

FOR ACTION

REPORT TO: Mrs. Susan Reeder, Secretary
Planning and Development Committee

FROM: L.C. KING, P.Eng.
Building Commissioner

DATE: May 17, 1990
COMM. FILE:
DEPT. FILE: 90.4.12

SUBJECT:

Development Charges By-law

RECOMMENDATION:

That City Council exempt an application for building permit for a single family dwelling by Mr. & Mrs. D. Menechella from the requirements of the Development Charges By-law for lot #39, Kingsberry Gardens, Phase 4, Hamilton.

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

Approval of this application could set a precedent for other applications resulting in a loss of revenues to the City. However we are presently aware of only one other application involving similar circumstances.

BACKGROUND:

City Council at its meeting held March 27, 1990 approved Development Charges By-law 90-74 pursuant to the Development Charges Act, 1989. The by-law prescribes development charges for residential and non-residential uses. These changes are collected to pay for services which the City must provide to newly developed areas.

The by-law contains a statement enacting the requirements as of March 27, 1990, however, building permit applications made before March 27, 1990 are exempt from the by-law requirements.

Section 21 reads as follows:-

> Notwithstanding any other provision of this by-law, where an application for a building permit under City of Hamilton By-law 85-86 is submitted to the Building Department of the City of Hamilton prior to the date of enactment of this by-law, the development charge rate in effect prior to the date of enactment of this by-law shall apply.

Section 21 originated from the Finance and Administration Committee due to concerns about any delays in implementing the by-law. Initial investigation revealed that delays in implementation would result in substantial financial losses to the City.

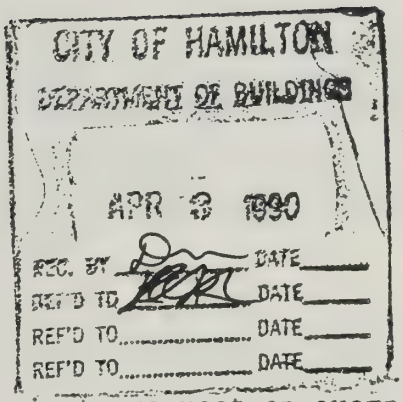
The appeal by Mr. & Mrs. Menechella originates because of their inability to make a bonafide application prior to March 27, 1990. On March 27, 1990, prior to enactment of the by-law by Council, the applicants attended the Building Department and they were informed that two sets of drawings were required to make a bonafide application for a building permit. The applicants were unable to provide drawings prior to enactment of the by-law by Council.

The applicants are not professional builders and as such are inexperienced in the process of applying for a building permit. If they had been professional builders they would likely have been aware of the requirements of the Development Charges By-law and have been able to respond quickly by applying for a building permit before the by-law went into effect.

Attached please find a copy of the letter dated March 29, 1990 from Mr. & Mrs. D. Menechella.

March 29, 1990

Mr. & Mrs. D. Menechella
253 Eaglewood Drive
HAMILTON, Ontario
L8V 1C3
(416) 575-1179



Mr. Len King,
Building Commissioner
City Hall
3rd Floor
71 Main Street West
HAMILTON, Ontario
L8P 4W1

Dear Mr. King:

This letter is to request an exemption from the Developer Lot Levy Tax passed on Tuesday Mar. 27, 1990 City Council Meeting.

Unfortunately, my husband and I are in a situation where we are purchasing a lot in Kingsberry Gardens, Phase 4 and following our lawyer's instructions we were told to not submit a building permit until the lot was registered. In the meantime we have been taking the necessary steps in applying for a building permit.

On the evening of Monday March 26, 1990 I received a call from the real estate agent, Mr. Benny Stankovich (Megna Real Estate Ltd.) to inform us that the lot is now registered under Registration Registration #62M 652. Upon receiving this call the following day Tuesday March 27, 1990 we went to City Hall, first to the Building Dept. Here we made contact with Linda who was unable to tell us the facts which resulted at the City Council Meeting. We requested to submit and pay an application for a Building Permit and she stated in order to do so, bonafide plans are required. Our plans at this stage were not quite finalized. Since it required an 8 hour working day to develop and submit a bonafide plan, it was impossible to meet the Tuesday 5 p.m. deadline. The only option available to us was an extension of the grace period. We also were referred to the Real Estate Dept. where we spoke to Robin Lane wondering if she could guide us through this situation. She checked and tried to locate our registration but was unable to do so since it was newly registered and still at the registration office. She suggested we see Doug Christilaw in the Engineering Dept., but as we were on our lunch hour and pressed for time we were not able to do so. My husband made contact with Doug by telephone on March 27,1990 and he found out for us that a $500.00 lot levy fee was paid towards the lot by the developer. Due to the proposed lot levy tax we could be required to pay the difference between the new amount and the $500.00 paid. Mr. Christilaw suggested that perhaps an extension of the grace period or on exemption from this payment would be allowed.

We attempted to have the parties involved prepare submittable (bonafide) copies of the building plan before the Council meeting, but due to their busy schedule they were unable to do so.

Continued ... 2.

At 9 a.m. on Wednesday, March 28, 1990 we called City Hall and spoke to a few people about our situation. Robin Lane from the Real Estate Dept. referred us to Mr. Christilaw in Engineering. He was not in, so I spoke to Phil Strawn. Mr. Strawn understood our problem and said he would have Mr. Brennan call me back. Mr. Brennan returned my call and explained to me the same scenario. I placed a call to Tom Jackson, Ward 8 Alderman and Henry Merling, Ward 7 Alderman. I was unable to speak to them at the time and left a message for them to return my call. On Thursday March 29, 1990 I spoke to Tom Jackson and he was disappointed for us and also recommended this request of exemption be submitted. My husband also spoke to Mr. Len King that morning as well and he also asked us to submit a letter regarding this matter.

Enclosed you will find a letter from our lawyer mentioning that we were following his instructions and advice. We feel that due to the circumstances we warrant an exemption from the lot levy increase and we thank you for your understanding and appreciate your consideration and time in this matter.

Sincerely yours,

Mr. & Mrs. Donato & Lidia Menechella

:lm
Encl.

cc: Tom Jackson, Ward 8 Alderman
Henry Merling, Ward 7 Alderman
Mr. Kris K. Channon, Soliciter

4.

FOR ACTION

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: C. J. Coutts, Secretary
Local Architectural Conservation
Advisory Committee

DATE: 1990 May 7

COMM FILE:
DEPT FILE:

MAY 8 1990

SUBJECT: **LETTER TO PREMIER - CAPITOL THEATRE IN CORNWALL, ONTARIO TO BE SAVED**

RECOMMENDATION:

That the City of Hamilton support Heritage Cornwall's commitment to heritage preservation in saving the Capitol Theatre by signing the letter (attached hereto as Appendix A) to the Premier of Ontario.

C. Coutts

FINANCIAL IMPLICATIONS: *(IF NONE, STATE N/A)*

N/A

BACKGROUND:

The Local Architectural Conservation Advisory Committee received a letter dated 1990 April 17 from Heritage Cornwall, requesting the City's support in saving the Capitol Theatre in Cornwall, Ontario.

The City of Cornwall, in anticipation of construction of a new provincial building, has removed the heritage designation on the Capitol Theatre and will proceed to demolish this local landmark. The Capitol Theatre, built in 1928 is one of only three such remaining movie palaces in Canada.

The signing of the attached letter to Premier Peterson would demonstrate a commitment to heritage preservation by insuring that any new provincial building for Cornwall, Ontario, incorporate a restored Capitol Theatre as part of its design.

Attached

c.c. Mrs. N. Chapple, Planning Department

APPENDIX A

To the Right Honourable David Peterson, Premier of Ontario

The City of Cornwall has recently removed the heritage designation on the historic Capitol Theatre and will proceed shortly with the demolition of this important architectural landmark. This action was taken by the local city council in anticipation of a new provincial building being constructed on the same site. We urge you to intervene and help save this unique atmospheric movie palace, one of only three remaining structures of its type in Canada. We request that your government demonstrate its commitment to heritage preservation by including a restored Capitol Theatre as part of any new provincial building in the city of Cornwall.

signed_____ date _____

FOR ACTION

5.

REPORT TO: **Susan K. Reeder, Secretary**
Planning & Development Committee

FROM: **Mr. E. W. Kowalski, Director**
Community Development Department

DATE: **1990 May 17**
DEPT FILE: **800-0300**

SUBJECT:

Ontario Home Renewal Programme (O.H.R.P.)

RECOMMENDATION:

That the Director of Community Development be authorized to process an Ontario Home Renewal Programme grant/loan in an amount not to exceed $7,500. to:

(a) Geraldine Shapiro
19 Cloverhill Road

(b) Ms. Mary Worron
20 Benson

NOTE: The actual amount of grant or loan to be determined by inspection of the property under the Property Standards By-law 74-74, and pursuant to Regulation 506 (R.R.O. 1980) under The Housing Development Act for the Ontario Home Renewal Programme.

E. Kowalski

FINANCIAL IMPLICATIONS ***(IF NONE, STATE N/A)***

N/A

BACKGROUND

The applications are being processed for a grant and/or loan pursuant to an amendment to The Housing Development Act, Regulation 506 (R.R.O. 1980).

For the information of the members of the Committee, the total number of applications to date under the Ontario Home Renewal Programme is three thousand, eight hundred and fifty-nine (3,859).

FOR ACTION

6.

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: Mr. E. W. Kowalski
Director of Community Development

DATE: 1990 May 16
COMM FILE:
DEPT FILE: 800-0602.3A

MAY 16 1990

SUBJECT: Downtown Action Plan, Phase IIIA;
Gateways - Design Competition and Provision
in the 1991 - 1995 Capital Budget

RECOMMENDATION:

a) That, a two-stage Design Competition be held for the purposes of developing new and innovative proposals for the five Downtown Action Plan Gateways attached as Schedule 'A'; and,

b) That, fifty thousand dollars ($50,000.) be provided for the initial stages of this Competition from Phase IV of the Downtown Action Plan; and,

c) That, provision be made in the 1991 - 1995 Capital Budget in the amount of one million dollars ($1,000,000.) for implementation of Phase IIIA of the Downtown Action Plan; Gateways.

E Kowalski

FINANCIAL IMPLICATIONS: *(IF NONE, STATE N/A)*

Under Phase IV of the Downtown Action Plan fifty thousand dollars ($50,000.) is available for implementation of the initial stages of the Phase IIIA Gateway Competition.

BACKGROUND:

On 1988 November 30 the Planning and Development Committee, during a presentation of the Phase IV Clock Tower at Jarvis Square, directed Community Development to provide a report to reintroduce Phase IIIA of the Downtown Action Plan; Gateways. Subsequently, the Downtown Action Plan Co-ordinating Committee (DAPCOM) appointed a sub-committee comprised of V. Matus, Planning and Development Department, R. Martiniuk, Property Department and J. Mokrycke, L.A.C.A.C. to review the original Downtown Action Plan intent and suggest methods of implementing the Gateway Concept. This sub-committee have been meeting on a regular basis to come up with the above recommendations.

...../2

Presentations have been made to L.A.C.A.C., Central Area Plan Implementation Committee, the Urban Design Committee and the Hamilton Society of Architects. All of these different interest groups have shown support for the reintroduction of Phase IIIA and the implementation of this project by the use of a two-stage Competition.

The purpose of the Competition is to involve the public in the design process, gather new and innovative ideas from architects and designers that may not normally have the opportunity to become involved in this type of project and to promote the City of Hamilton as a major city in Ontario.

It is recommended that the Competition be carried out in two stages: the first being an idea Competition and the second being a design-built Competition. We will continue to discuss further details with technical staff in City Hall, sub-committees and the Hamilton Society of Architects. We will come back to the DAPCOM and the Planning and Development Committee once further details have been identified.

As originally identified by R. Dutoit and Associates in the Downtown Action Plan, the same five sites will be utilized with the exception of one, namely, Main and Bay, York and Bay, King and Wellington, Main and John and James and Murray (previously identified as James and Wilson but because of new development at this location and the new development along James Street North this location has been altered to include the Jamesville B.I.A. which extends to Murray Street).

cc: Alderman Wm. McCulloch, Chairman
DAPCOM

Mr. D. Vyce, Director
Property Department

ATTENTION: Mr. R. Martiniuk, Manager
Architectural Division

Mr. J. Thoms, Commissioner
Planning and Development Department
ATTENTION: Mr. V. Matus, Manager
Urban Design

Mrs. D. Dent, Chairman
L.A.C.A.C.

Mr. J. Sakala, Co-ordinator
Urban Design Committee

Mr. D. Godley, Co-ordinator
Central Area Plan Implementation Committee (CAPIC)

Mr. F. Fabiani, Chairman
Hamilton Society of Architects
3390 South Service Road
Burlington, Ontario
L7N 3L6

Mr. J. Mokrycke, L.A.C.A.C.
117 Mountain Park
Hamilton, Ontario
L9A 1A1

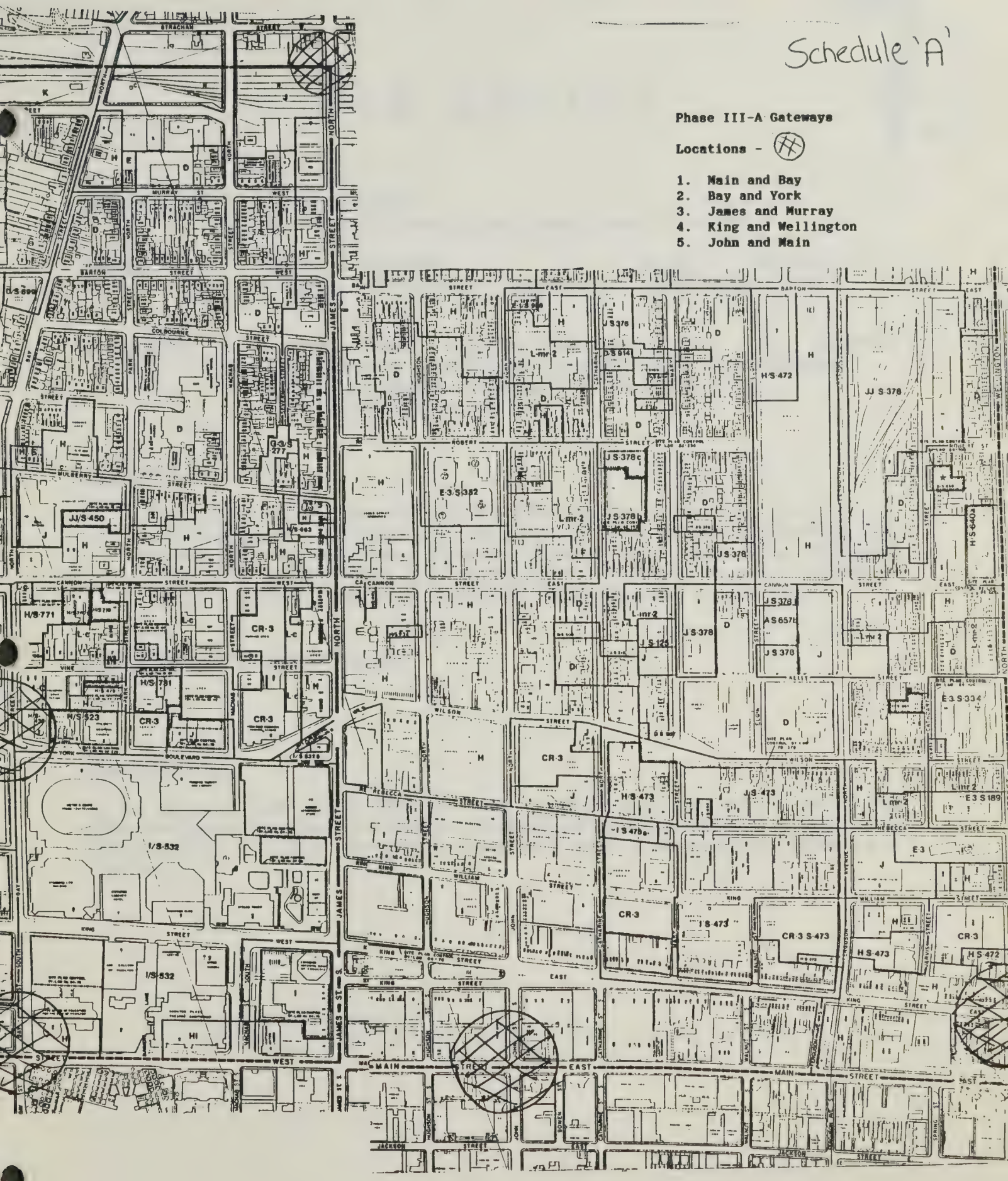
Mr. E. Matthews, City Treasurer
Treasury Department

Schedule 'A'

Phase III-A Gateways

Locations - ⊕

1. **Main and Bay**
2. **Bay and York**
3. **James and Murray**
4. **King and Wellington**
5. **John and Main**



FOR ACTION

7.

REPORT TO: *Mrs. S. Reeder*
Secretary, Planning and Development Committee

FROM: **Mr. E. W. Kowalski** **DATE:** **1990 May 17**
Director of Community Development ***DEPT FILE:*** **800-0608**

SUBJECT: **Crown Point West/Stipeley Programme for Renewal Improvement Development and Economic Revitalization (P.R.I.D.E.) Phase II; Ministerial Allocation for 1989-1990 Programme Year.**

RECOMMENDATION:

a) **That the Planning and Development Committee request the Finance and Administration Committee to recommend the method of financing the Crown Point West/Stipeley Phase II P.R.I.D.E. Programme at an estimated gross cost of $700,000. 50% of which to be funded by the Province of Ontario and the balance of $350,000. to be financed by the City.**

E Kowalski

FINANCIAL IMPLICATIONS (N/A):

See Above.

BACKGROUND:

At its meeting held 1989 MAY 30, City Council approved Item Four of the Eleventh Report of the Co-ordinating Committee authorizing that Crown Point West/Stipeley P.R.I.D.E. Phase II be proceeded with. Consequently, financing is required.

c.c. Mr. E. C. Matthews, Treasurer
Mr. J. Thompson, Secretary, Finance and Administration Committee

8.

FOR ACTION

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: Mr. E. C. Matthews
Treasurer

DATE: 1990 April 26
COMM FILE:
DEPT FILE:

SUBJECT: **FINAL RELEASE OF HOLDBACK**

RECOMMENDATION:

That total holdback in the amount of $38,202.49 be released to Delmar Contracting for the completion of the contract P.O. No. 33349/3600 for the Downtown Hamilton Action Plan IV - Jarvis Square, pending receipt by the Treasury of the Standard Release Forms from the contractor and City Solicitor's Department.

FINANCIAL IMPLICATIONS: *(IF NONE, STATE N/A)*

Contractor is entitled to release of holdback on the 46th day after total completion.

BACKGROUND:

The contract was approved by City Council August 30, 1988 in the amount of $382,500. The contract was totally performed as of November 30, 1989 for a final total cost of $382,024.93. The 45 day lien period has expired as of January 15, 1990 and I am recommending release of holdback as soon as the necessary release forms are received by Treasury from the Contractor and City Solicitor.

9.

FOR ACTION

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: Mr. T. Bradley
Manager of Purchasing

DATE: 1990 April 30
COMM FILE:
DEPT FILE: C8-2-90

APR 30 1990

SUBJECT: CONSTRUCTION OF PARK MAINTENANCE BUILDING, LUCY DAY PARK

RECOMMENDATION:
That a purchase order be issued to STF Construction Limited, Hamilton, in the amount of $32,077.00 for the construction of a park maintenance building at Lucy Day Park, in accordance with specifications issued by the Manager of Purchasing and Vendor's quotation.

NOTE: Lowest of eleven (11) quotations received. Funds provided in Crown Point West/Stipeley Phase II Account #CF 42870200.

T. Bradley, Manager of Purchasing

FINANCIAL IMPLICATIONS: *(IF NONE, STATE N/A)*

BACKGROUND: Quotation Analysis

STF Construction Limited, Hamilton	$32,077.00
Falla Construction Ltd., Hamilton	33,000.00
Allard Construction, Binbrook	36,275.00
Bruen Construction, Hamilton	37,458.00
James Kemp Construction, Hamillton	38,600.00
Harm Schilthuis and Sons, Ancaster	38,873.00
Transway Construction, Hamilton	39,950.00
T.R. Hinan Construction, Fonthill	41,995.00
Canadian Engineering and Contracting, Hamilton	44,700.00
Frid Construction, Hamilton	50,400.00
Stott Construction, Hamilton	58,500.00

10.

F O R A C T I O N

REPORT TO: MS. S. READER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: E.M. GILL, P.ENG.
ACTING COMMISSIONER OF ENGINEERING

DATE: 1990 May 14
COMM FILE:
DEPT. FILE: S718-42

Subject

"Rymal Estates", Hamilton
(Cash Payment in Lieu of 5% Parkland Dedication)

Recommendation

That the City of Hamilton accept the sum of $133,000.00 as cash payment in lieu of the 5% dedication in connection with "Rymal Estates", Hamilton, this being the cash requirement under Section 50 of the Planning Act.

Ted Gill

E.M. Gill, P.Eng.
Acting Commissioner of Engineering

Financial Implications

N/A

Background

The owner of the lands for the above referenced subdivision will be executing a subdivision agreement with the City of Hamilton in the near future. A copy of the Final Survey Plan is attached for your information.

In accordance with normal City procedure, the City and Regional staff have completed calculations for the 5% cash payment in lieu of Parkland Dedication. The sum to be included in the subdivision agreement has been calculated at $133,000.00

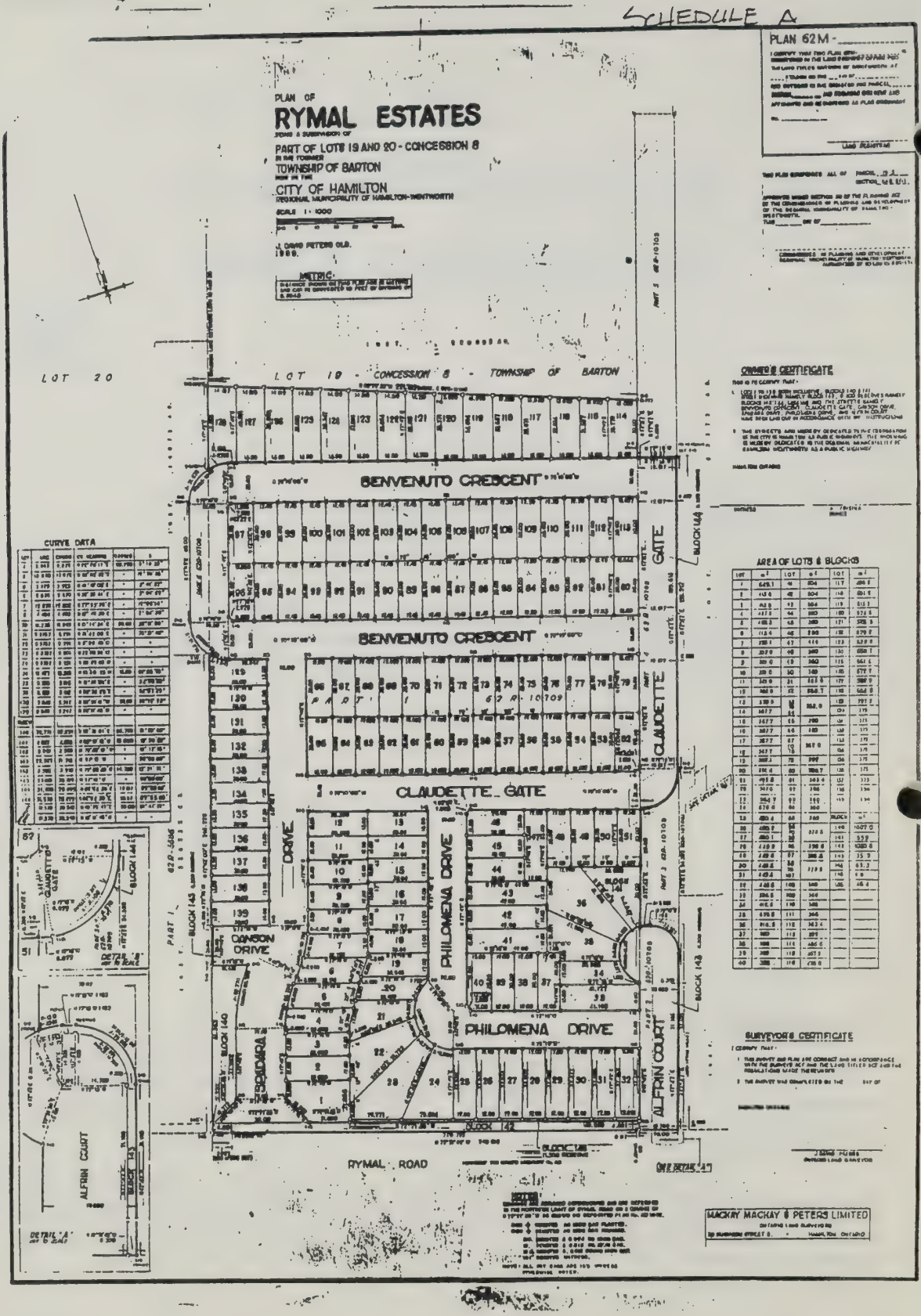
Note:

These lands are located west of Garth Street and north of Rymal Road in the Falkirk East neighbourhood, Hamilton.

MJI:ja
Attach.

cc: D.J. Consoli, City Treasury Department

SCHEDULE A


PLAN 62M -
PLAN OF
RYMAL ESTATES
BEING A SUBDIVISION OF
PART OF LOTS 19 AND 20 - CONCESSION 8
IN THE FORMER
TOWNSHIP OF BARTON
NOW IN THE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
SCALE 1 : 1000
J. DAVID PETERS O.L.S.
1988.
METRIC
LOT 20
LOT 19 - CONCESSION 8 - TOWNSHIP OF BARTON
BENVENUTO CRESCENT
BENVENUTO CRESCENT
CLAUDETTE GATE
CLAUDETTE GATE
CANSON DRIVE
PHILOMENA DRIVE
PHILOMENA DRIVE
ALFRIN COURT
ALFRIN COURT
RYMAL ROAD
BLOCK 142
BLOCK 143
BLOCK 144
BLOCK 145
BLOCK 146
BLOCK 147
CURVE DATA
AREA OF LOTS & BLOCKS
OWNER'S CERTIFICATE
SURVEYOR'S CERTIFICATE
MACKAY MACKAY & PETERS LIMITED

11.

FOR ACTION

TO:	**SUSAN K. REEDER, SECRETARY PLANNING AND DEVELOPMENT COMMITTEE**	**DATE:**	**May 1, 1990**
		COMM FILE:	
		DEPT FILE:	**25T-89036**

FROM: **J. D. THOMS, COMMISSIONER**
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT: Proposed Draft Plan of Subdivision, Effort Gardens Extension

RECOMMENDATION:

a) That approval be given to application 25T-89036, Effort Gardens Extension, Hampshire Properties Inc., owner, to establish a draft plan of subdivision, north of Stone Church Road and east of Upper James Street, subject to the following conditions:

1. That this approval apply to the plan prepared by MacKay, MacKay and Peters Limited, drawing number S-7227A showing 12 lots.

2. That the final plan conform with the Zoning By-law approved under The Planning Act.

3. That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.

4. That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes.

5. That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block in the final plan.

6. That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.

7. That the streets be dedicated to the City of Hamilton as public highways.

8. That the proposed streets align with the existing street to the north and/or the proposed streets to the south in a draft approved plan under Regional File No. 25T-88035, "Effort Gardens", respectively.

9. That the proposed development not be registered until the construction for Municipal services (water, roads, storm and sanitary sewers) for the development to the south, (Regional file No. 25T-88035, "Effort Gardens") has been approved.

10. That the culs-de-sac at the ends of Streets "A" and "B" have a transitional radius of 9.0 metres into each cul-de-sac.

11. That the owner shall erect a sign in accordance with Section XI of the subsequent Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.

12. That the owner agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.

b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (25T-89036), Hampshire Properties Inc., owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

A. L. Georgieff, M.C.I.P.
Director - Local Planning

BACKGROUND

Owner:

Hampshire Properties Inc., Hamilton, Ontario

Agent:

Urbex Management Ltd., Hamilton, Ontario

Surveyor:

MacKay, MacKay and Peters Ltd., Hamilton, Ontario

Location:

The lands, comprising 0.91 ha., are located north of Stone Church Road and east of Upper James Street in the Jerome Neighbourhood, City of Hamilton.

Proposal:

The owner proposes to subdivide the lands into 12 lots for single-family dwelling which are to be serviced by two culs-de-sac and the extension of Ridge Street. The minimum lot size proposed for the single-family dwellings has a width of 15.1m and an area of approximately 468m².

EXISTING DEVELOPMENT CONTROLS:

Hamilton-Wentworth Official Plan - the lands are identified as "Urban Policy Area - Residential and Related Uses". The proposal complies.

City of Hamilton Official Plan - the lands are designated "Residential". The proposal complies.

Neighbourhood Plan - the lands are designated for single and semi-detached units. The proposal complies.

Zoning - an amending Zoning By-law 90-101 establishing a "C" (Urban Protected Residential, etc.) District has been approved which would permit the development of the proposed plan of subdivision.

Niagara Escarpment - the lands are not within the "Development Control Area", therefore, the regulations do not apply.

COMMENTS FROM CIRCULATION:

The following agencies have advised that they have no comment or objection toward the proposal:

- Ministry of Transportation;
- Ministry of the Environment;
- Ministry of Natural Resources;
- Ministry of Culture & Communications;
- Hamilton Region Conservation Authority;
- Ontario Hydro, Union Gas and Bell Canada;
- City of Hamilton Traffic Department;
- City of Hamilton Building Department (subject to rezoning).

The Hamilton-Wentworth Department of Engineering has submitted the following comments and recommendations:

"FOR INFORMATION:

1. The proposed extension of Ridge Street must align centerline to centerline with the existing portion of Ridge Street.

2. The proposed extension of Ridge Street can be serviced with water from the existing portion of ridge Street.

RECOMMENDATIONS:

1. The proposed development not be registered until the construction for Municipal Services (water, roads storm and sanitary sewers) for the development to the south, ("Effort Gardens") has been approved.

2. The cul-de-sacs at the ends of Streets "A" and "B" to have a transitional radius of 9.00 metres into each cul-de-sac.

3. The owner must enter into a Subdivision Agreement with both the City and Region prior to the development of any portion of these lands.

The submitted plan as prepared by J. David Peters, O.L.S., stamped with the date October 24, 1989, is satisfactory to the Department of Engineering, subject to the above-noted comments and recommendations."

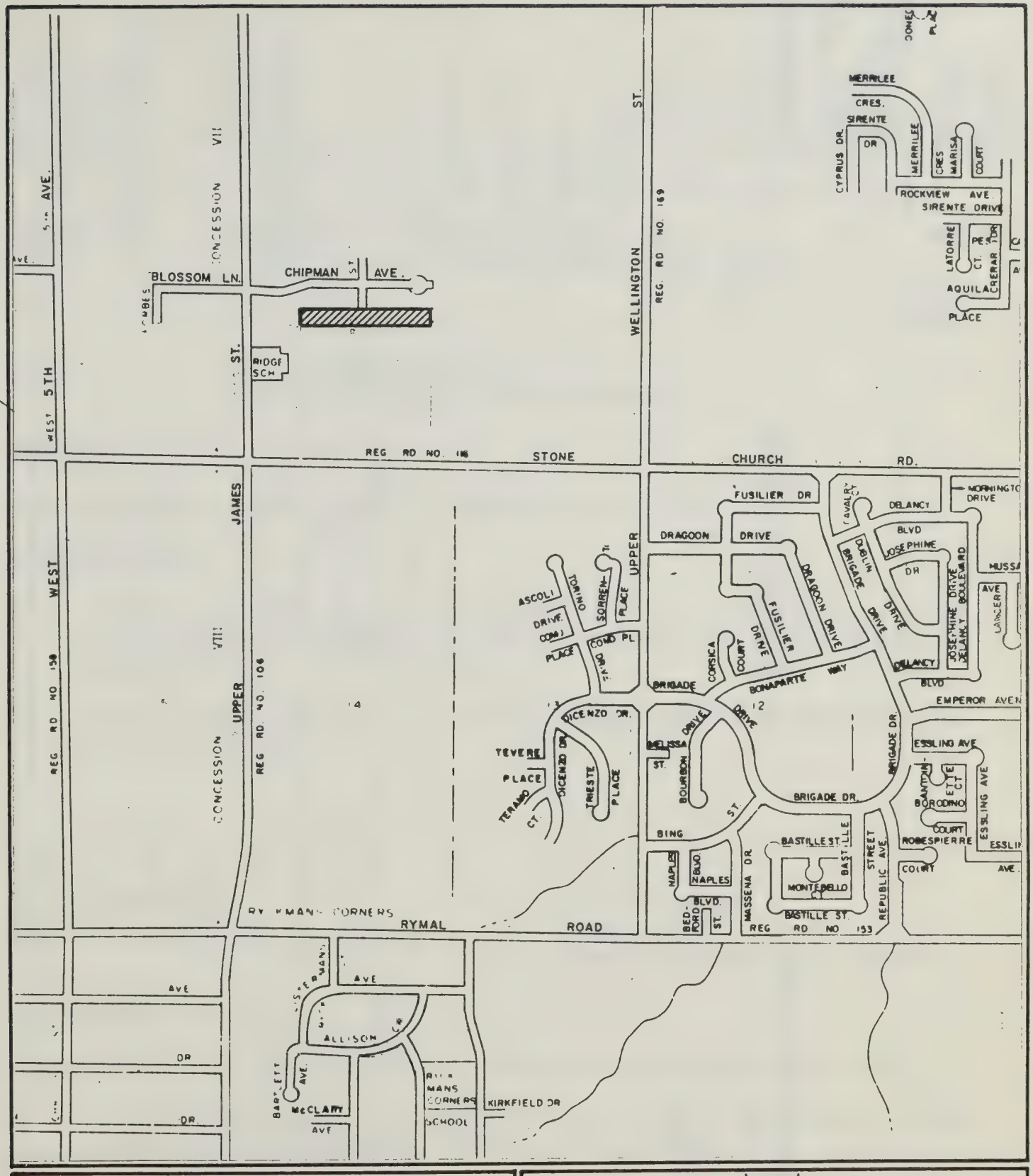
COMMENTS:

1. The conformity of the proposal with the Official Plan and the approval of an amending Zoning By-law is noted.

2. As no part of the subject lands is designated park or recreational use on the approved Neighbourhood Plan, it is recommended that the parkland requirement of this subdivision be taken as cash-in-lieu of land.

3. No agencies have raised any objection or made recommendations to be included as conditions for this proposed plan of subdivision.

JLS/jd
8936



Location Plan For

EFFORT GARDENS EXTENSION

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

PROPOSED SUBDIVISION

North	Scale	Reference File No.
	1" = 1000'	25T-89036
	Date	Drawing No.
	NOV. 13, 1989	

DRAFT PLAN OF

EFFORT GARDENS EXTENSION

BEING A PROPOSED SUBDIVISION OF

PART OF LOT 14 - CONCESSION 7

IN THE GEOGRAPHIC

TOWNSHIP OF BARTON

NOW IN THE

CITY OF HAMILTON

REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

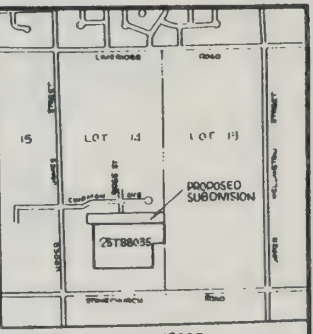
SCALE 1:800

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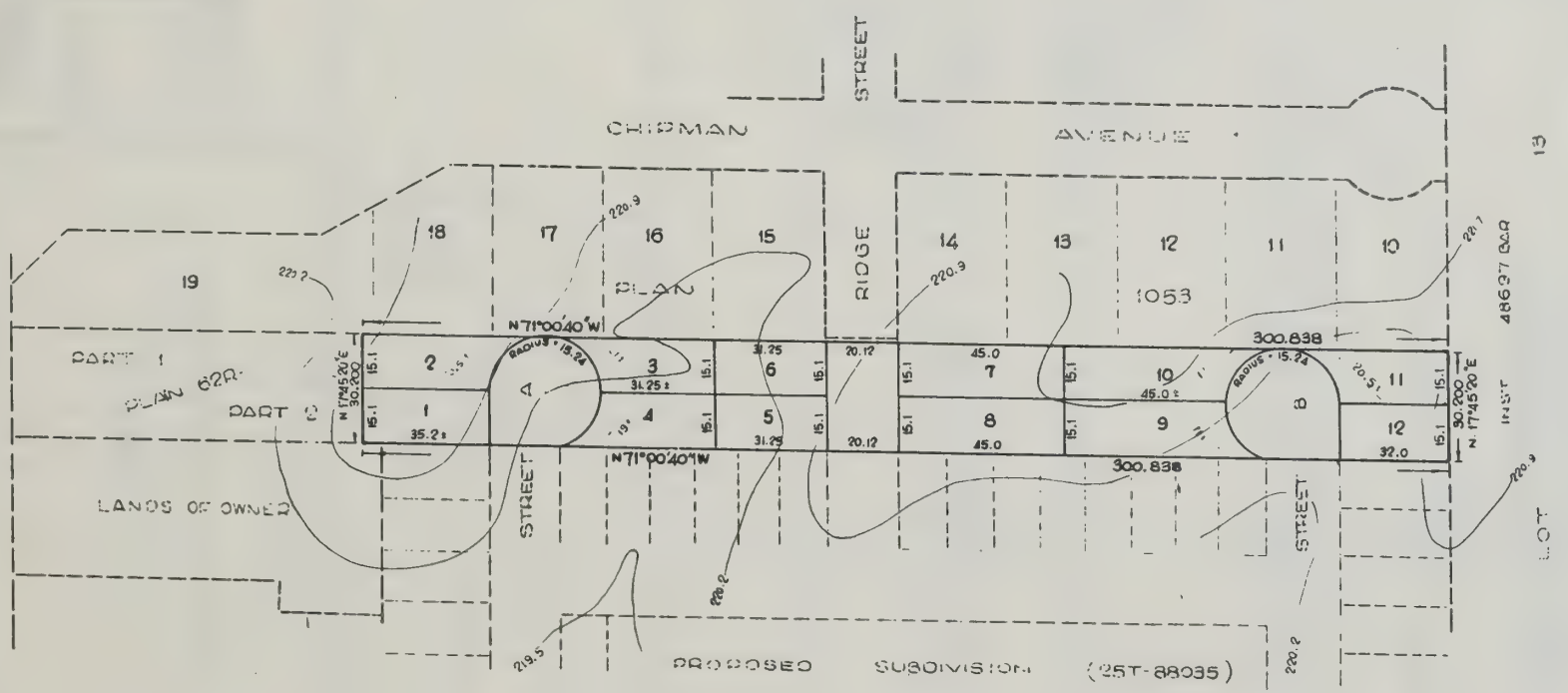
J. DAVID PETERS O.L.S.

LEGEND

BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE EASTERN LIMIT OF UPPER JAMES STREET AS MONUMENTED AND SHOWN ON PLAN 255 MISC. AS N. 17°45'20"E.



KEY PLAN - SCALE 1:12000



SCHEDULE RE: SECTION 50 (7)
THE PLANNING ACT - R.S.O. 1983

(A) SHOWN
(B) SHOWN
(C) SHOWN
(D) SINGLE FAMILY RESIDENTIAL
(E) RESIDENTIAL / AGRICULTURAL
(F) SHOWN
(G) SHOWN
(H) MUNICIPAL WATER SUPPLY
CLAY LOAM
(J) SHOWN
(K) ALL MUNICIPAL SERVICES AVAILABLE
(L) SHOWN

OWNER'S CERTIFICATE

I HEREBY AUTHORIZE MACKAY, MACKAY / PETERS TO SUBMIT THIS PLAN FOR APPROVAL.

ARTHUR WEITZ

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AND THEIR RELATIONSHIP TO ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN.

J. DAVID PETERS - O.L.S.

MACKAY, MACKAY & PETERS LIMITED
ONTARIO LAND SURVEYORS
(ESTABLISHED 1906)
SUITE 808, UNION GAS BUILDING
20 HUGHSON STREET SOUTH
HAMILTON, ONTARIO L8N 2A1
TELEPHONE (416) 528-7671
TELECOPIER (416) 528-0787

S-7227 A

12a

FOR ACTION

REPORT TO:	**SUSAN REEDER, SECRETARY PLANNING AND DEVELOPMENT COMMITTEE**	**DATE:**	**May 11, 1990**
		COMM. FILE:	
		DEPT. FILE:	**4328 A-90:126**

FROM: **J.D. THOMS, COMMISSIONER PLANNING AND DEVELOPMENT DEPARTMENT**

SUBJECT:

Appeal of Committee of Adjustment decision - 734 Seventh Avenue (A-90:126).

RECOMMENDATION:

1. That the Planning and Development Committee direct staff to file an appeal, subject to Council ratification, against the decision of the Committee of Adjustment to grant Application A-90:126 for property located at No. 734 Seventh Avenue.

2. That the appropriate staff (e.g. Legal, Planning) be directed to represent the City at the Ontario Municipal Board Hearing.

A.L. Georgieff, M.C.I.P.
Director of Local Planning

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

BACKGROUND

At its meeting of April 18, 1990, the Planning and Development Committee approved the following:

"1. That the Planning and Development Committee advise the Committee of Adjustment of its concern respecting the approval of applications which are not "minor variances."

2. That the Planning and Development Committee direct the Planning and Development Department to file appeals, subject to Committee and Council ratification, against those decisions of the Committee of Adjustment which are deemed not to be minor in nature, or in keeping with the intent and purpose of the Zoning By-law and/or Official Plan."

The foregoing resolution was subsequently adopted by Council at its Meeting of April 24, 1990.

COMMENT

The applicant originally made an application, H-24-90, to the Land Division Committee to create a parcel of land measuring 39.9 ft. x 104.14 ft. and retain the balance measuring 104.14 x 60.07 ft.

The Planning Department recommended denial of the severance on the following basis:

"The lands to be conveyed form the rear yard of the existing single-family dwelling. The severance would eliminate the rear yard and place the retained lands in violation of the by-law with respect to the rear yard setback. This variance to the by-law is not considered to be minor in nature, or in keeping with the intent of the by-law. Furthermore, an approval of the application may encourage other similar applications in the area which, if approved, would undermine the intent and purpose of the by-law. Accordingly, the severance cannot be supported."

At its meeting held on January 30, 1990, the Land Division Committee denied the severance for the following reasons:

"1. The location of the existing dwelling makes the proposal inappropriate.

2. Does not appear to be in the interest of proper planning and development for the area.

3. Does not comply with the requirements of the Zoning By-law.

4. Does not comply with Section 50(4) of The Planning Act."

The applicant subsequently appealed the decision of the Committee to the Ontario Municipal Board (OMB).

It should be noted that Hamilton City Council at its meeting held Tuesday, 1990 April 10th approved Section 13 of the EIGHTH Report for 1990 of the Planning and Development Committee which states:

"13. That the appropriate City Staff be authorized to attend an upcoming Ontario Municipal Board Hearing to defend the City's position on a Land Division Committee decision, respecting property at 734 7th Avenue."

Following receipt of the appeal, the OMB advised the applicant that because the severance conflicts with the Zoning By-law it was desirable to have the conflict resolved before scheduling a hearing (see attached letter). In this regard, the applicant made an application to the Committee of Adjustment (A-90:126) to permit the existing dwelling to maintain a westerly rear yard depth of at least 3.30 m (10.85') instead of 7.5 m (24.61') and with a further existing eave projection.

The Committee granted the application at its meeting of May 9, 1990 contrary to staff's recommendation. The last date for filing an appeal is June 8, 1990.

CONCLUSION

On the basis of the foregoing, the decision of the Committee of Adjustment should be appealed subject to Council ratification.

PDM/ma
WPA90126

N.N. H-27-90

Ontario

Ontario
Municipal
Board

Commission des
affaires municipales
de l'Ontario

180 Dundas Street West
Toronto, Ontario
M5G 1E5

180, rue Dundas, ouest
Toronto, Ontario
M5G 1E5

Fax: (416) 979-8808
416/598-2266

April 2, 1990

RECEIVED

Arthur H. Ramey
R.R. #1
CALEDONIA, Ontario
N0A 1A0

Dear Mr. Ramey:

Re: O.M.B. File: C900285
Appeal by: Arthur H. Ramey
Submission No: B-64/90

Please be advised that the land(s) involved in this severance application appears to be in conflict with the provisions of the zoning by-law. The Board considers it desirable to have this conflict with the zoning by-law resolved before this appeal is scheduled for hearing.

To resolve this difficulty, it would appear necessary for you to make an application to the municipality for an amendment to the zoning by-law or a minor variance application to your local Committee of Adjustment so that it may be dealt with concurrently by the Board with the subject appeal.

May we have your comments as soon as possible.

Yours truly,

E. Hall

for Supervisor
Consents, Minor Variances
and Municipal Applications

cc. T. Dale Amy, Secretary-Treasurer, Land Division Committee

NOTE: Conflict with City of Hamilton By-law; existing dwelling on retained parcel does not meet minimum rear yard setback requirements.

12b.

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: May 10, 1990
COMM. FILE:
DEPT. FILE: 4328
A-90:67

FROM: J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT:

Appeal of Committee of Adjustment decision - 60 & 76 Harlowe Road (A-90:67).

RECOMMENDATION:

1. That the Planning and Development Committee direct staff to file an appeal, subject to Council ratification, against the decision of the Committee of Adjustment to grant Application A-90:67 for property located at Nos. 60 & 76 Harlowe Road.

2. That the appropriate staff (e.g. Legal, Planning) be directed to represent the City at the Ontario Municipal Board Hearing.

A.L. Georgieff, M.C.I.P.
Director of Local Planning

J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

BACKGROUND

At its meeting of April 18, 1990, the Planning and Development Committee approved the following:

"1. That the Planning and Development Committee advise the Committee of Adjustment of its concern respecting the approval of applications which are not "minor variances."

2. That the Planning and Development Committee direct the Planning and Development Department to file appeals, subject to Committee and Council ratification, against those decisions of the Committee of Adjustment which are deemed not to be minor in nature, or in keeping with the intent and purpose of the Zoning By-law and/or Official Plan."

The foregoing resolution was subsequently adopted by Council at its Meeting of April 24, 1990.

COMMENT

At its meeting of April 25, 1990 the Committee of Adjustment considered Application No. A-90:67 for property located at Nos. 60 and 76 Harlowe Road. The applicants requested relief from the provisions of Zoning By-law No. 6593 to permit two of the industrial condominium units to have the following uses, notwithstanding that the uses are not permitted:

1. an aluminum siding installation business together with wholesale and retail sales;

2. a heating and cooling contracting business.

The Committee granted the application subject to the following condition(s):

> "Each of the uses are to be restricted to one tenant unit only per use and with a maximum 250 square feet of retail area per unit.
>
> The relief granted herein is based upon the following reasons:
>
> The Committee when reviewing numerous other permitted uses within the "M" Prestige Industrial Districts is of the opinion that the proposed uses although not specifically itemized are within the intent of use anticipated by the Zoning district regulations.
>
> The uses are harmonious and compatible with other permitted development in the M-13 district.
>
> That after consideration of the application and from the evidence submitted it is the Committee's opinion the relief granted herein is desirable for the appropriate development of the land and building and is not inconsistent with the general intent and purpose of the By-law and of the Official Plan as referred to in Section 44 of The Planning Act, 1983."

The last date for filing an appeal is May 25, 1990.

Section 44(1) of the Planning Act gives the Committee of Adjustment the power to "...authorize such minor variance from the provisions of the by-law, in respect to the land, building or structure or use thereof...". It is understood that the provision respecting use is intended to assist with by-law interpretation, rather than being legislative. In this regard, the subject lands are zoned M-13 (Prestige Industrial) District which primarily permits wholesale commercial uses and certain light-industrial uses (e.g. clothing). The uses granted by the Committee of Adjustment are "Trade Contracting Industries" which are only permitted in the "M-14" and "M-15" Districts, and are not contemplated in the "M-13" District.

Approval of the application amounts to a "by-law amendment" rather than a minor variance from its provisions. Furthermore, the application does not comply with the general intent and purpose of the Zoning By-law.

It should be noted that a previous application (A-89:362) to permit a wholesale donut manufacturing business on the same lands was approved by the Committee of Adjustment. Approval of these applications sets a precedent for future similar applications and undermines the intent of the By-law.

In addition, it should be noted that the Planning Department is undertaking a review of the permitted uses in the "M" Districts.

CONCLUSION

On the basis of the foregoing, the decision of the Committee of Adjustment should be appealed subject to Council ratification.

PDM/ma
WPA9067

13.

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

DATE: May 16, 1990
COMM FILE:
DEPT FILE: P6-2-84

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT:

Correction to By-Law of adoption (No. 90-40) for Official Plan Amendment No. 84 - 820 Rymal Road East.

RECOMMENDATION

That the City Solicitor be directed to prepare a By-law to repeal By-law No. 90-40 and replace it with a revised By-law of adoption for Official Plan Amendment No. 84 showing reference to 820 Rymal Road East.

A. L. Georgieff, M.C.I.P.
Director of Local Planning

per **J.D.Thoms, M.C.I.P.**
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

EXPLANATORY NOTE

The purpose of By-law No. 90-40 was to adopt Official Plan Amendment No. 84 to the Official Plan. The effect of the By-law was to allow the development of a commercial plaza at 820 Rymal Road East. The reference to the municipal no. on By-law No. 90-40 was incorrect. Consequently, it is necessary to repeal By-law No. 90-40 and introduce a new By-law showing the correct municipal address.

BACKGROUND

During the Region's review of Official Plan No. 84, it was discovered that the reference to the municipal number on the Official Plan Amendment and the By-law of adoption was incorrectly shown as 420 Rymal Road East. The purpose of Official Plan Amendment No. 84 is to redesignate the lands at 820 Rymal Road East from "Residential" to "Commercial", to allow the development of a commercial plaza. In order to correct the error, By-law No. 90-40 should be repealed and replaced with a new By-law showing the correct municipal no., 820 Rymal Road East. This will be necessary for the Region to continue with the approval process of Official Plan Amendment No. 84. This action will not adversely impact the processing of the Official Plan Amendment.

CONCLUSIONS

Based on the foregoing, it is recommended that By-law No. 90-40 be repealed and a replacement By-law, showing the correct municipal no., 820 Rymal Road East, be introduced for the approval of Council.

CL-M/dkp

A:\BYLAW904

14.

FOR ACTION

REPORT TO:	**SUSAN REEDER, SECRETARY PLANNING AND DEVELOPMENT COMMITTEE**	**DATE:** **COMM.FILE:**	**MAY 16, 1990**
FROM:	**J. D. THOMS, COMMISSIONER PLANNING AND DEVELOPMENT DEPARTMENT**	**DEPT.FILE:**	**P5-9-2-30**

SUBJECT

Windermere Basin Land Use Disposition.

RECOMMENDATION

1. That the Planning and Development Committee direct staff to:

   a) establish a working committee to undertake a study to determine the future use of the land recently created in Windermere Basin. This working committee should include representation from the following:

      - Planning and Development Department;
      - Engineering Department;
      - Hamilton Region Conservation Authority;
      - Hamilton Harbour Commissioners;
      - Stelco; and,
      - Health Department.

   b) to ensure that specific areas to be explored by this study include:

      - urban design considerations with emphasis on gateway treatments, views from the skyway, aesthetics, and others;
      - suitability for development (soil stability, etc.);

- land owners' intentions;
- land use compatibility; and,
- other agencies' concerns.

c) ensure the working committee reviews and refines these terms of reference if necessary.

2. That the Transport and Environment Committee be advised of the Planning and Development Committee's direction to staff to undertake a study to determine the future use of Windermere Basin as detailed in the attached report.

A. L. Georgieff, M.C.I.P.
Director of Local Planning

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

EXPLANATORY NOTE

The Planning and Development Committee requested staff to prepare a brief outline on the means to determine the future use of the land created at Windermere Basin. Since the Transport and Advisory Committee tabled a report on Windermere Basin because of the land use issue, amongst others, then they should be aware of a direction of the Planning and Development Committee to do a study on land use in Windermere Basin.

BACKGROUND

The City of Hamilton Official Plan identifies the Windermere Basin in the East Harbour as a Special Policy Area on Schedule "A" (Land Use Concept) and Schedule "B" (Special Policy Areas). Further, Policy A.2.9.3.2 states that Windermere Basin:

> "... is established as an area subject to detailed special study by the appropriate agencies and water lot owners concerned in order to determine the most appropriate use of the Basin in the Official Plan. Council will, upon review of the findings and recommendations of such studies as may be carried out, consider an appropriate designation and initiate an amendment to this Plan."

In May, 1986, Hamilton-Wentworth Council endorsed a report of the Engineering Services Committee recommending a program to partially dredge and fill, be adopted as the preferred solution for the clean-up of the Basin.

A recent report to the Transport and Advisory Committee advises that actual work on the clean-up commenced in November 1988, and continued to February 1990. Yet to be completed is the landscaping, vegetation, tree planting and construction of rip-rap walls to prevent erosion of the berms. This work is expected to be completed during 1990 and 1991. This same report recommended the City provide further funding towards the increased costs of the clean-up. At their March 5, 1990 meeting, the Transport and Environment Committee tabled this request "until such time as the process to ownership and use of the newly created lots has been agreed to". In February, the Region's Engineering Services Committee tabled a similar item.

The Planning and Development Committee, at their meeting of May 2, 1990, expressed a concern regarding the future land use of Windermere Basin in light of other Harbour-related matters. As a result of that discussion, the Committee requested staff to:

- prepare a "one page sketch" on the means to determine the future land use of the Basin; and,

- a list of the membership of the Windermere Basin Technical Advisory Committee also be prepared.

Land Use Determination

Given that:

- the City's Official Plan sets the stage to undertake a "detailed special study by the appropriate agencies and water lot owners concerned...to determine the most appropriate use of the Basin in the Official Plan...";

- the actual clean-up of the Basin is nearing completion except for landscaping, etc.;

- the Committee's recent concern about the future use of the Basin; and,

- the importance of the area as a City gateway.

A preliminary framework to undertake a study for the future use of Windermere Basin has been drafted for your consideration.

The Official Plan specifies that the study be undertaken by the "appropriate agencies and water lot owners". On this basis, it is appropriate to first establish a working committee with suggested representation from the following:

- Planning and Development Department;
- Engineering Department;
- Hamilton Region Conservation Authority;
- Hamilton Harbour Commissioners;
- Stelco; and,
- Health Department.

Input should also be sought from: the Ministry of Environment, the Hamilton Naturalist Club, and the Remedial Action Plan Team, amongst others, throughout the study.

This committee should focus on developing options for the future land use of Windermere Basin. Specific areas which should be explored include:

- urban design considerations with particular emphasis on gateway treatments, views from the skyway, aesthetics, and others;
- suitability for development i.e., soil stability;
- the land owners' intentions for the land;
- land use compatibility with adjacent lands; and,
- other member agencies' concerns.

Other considerations may be identified after the Committee has met.

The working committee should initially refine and detail these areas of exploration. In addition, they will monitor and provide input into the actual study, which will be undertaken by the Planning and Development Department. Once some land use options have been identified, they should be brought forward to the Planning and Development Committee for direction to hold a Public Meeting. The Public Meeting will offer public comment on the options which could be further refined.

Final recommendations will then be made to Committee and Council on the necessary amendments to the Official Plan and zoning by-law.

It is estimated this study could take 70 consecutive days to complete, or approximately three-quarters of a year of elapsed time. The project could begin in October, 1990, and the final recommendations could be made to Committee in June, 1991.

Windermere Basin Technical Advisory Committee

The Windermere Basin Technical Advisory Committee (W.B.T.A.C.) was established in 1984 for the purpose of assisting the Ministry of Environment in seeking a solution to remove contaminated sediment from the Basin. As of December, 1985, the Committee included the following:

- Hamilton-Wentworth Region - Engineering Department - K. Brenner and S. Spencer;
- City of Hamilton (Laboratories) - V. Forde;
- Hamilton Harbour Commissioners - B. Hennessey;
- Hamilton Region Conservation Authority - B. Vanderbrug;
- Ministry of Environment - S. Irwin, J. Mayer, R. Stuart; and,
- Environment Canada - I. Orchard.

In June, 1986, City Council endorsed a resolution "That a representative with the appropriate planning expertise be added to the membership of the Windermere Basin Technical Advisory Committee . . ." Recent discussions with the Engineering Department indicate that once the decision on the means of clean-up of the Basin and the proponent had been made, W.B.T.A.C. became inactive. There is no indication in the Planning Department's files that a member of staff ever attended a W.B.T.A.C. meeting.

CONCLUSION

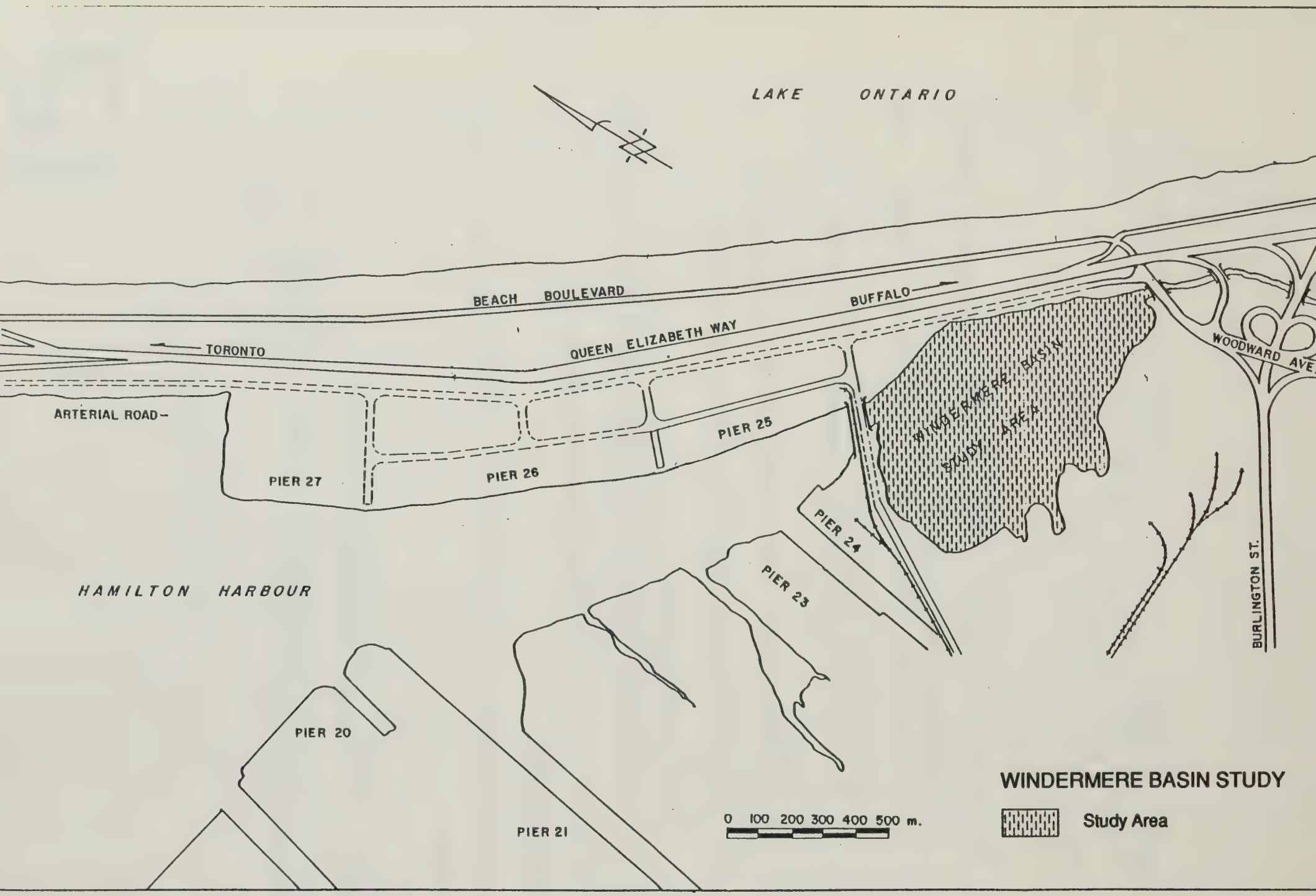
Based on the foregoing, it seems appropriate to establish a working committee comprised of a representative from: the Planning and Development Department; the Region's Engineering Department; the Hamilton Region Conservation Authority; the Hamilton Harbour Commissioners; Stelco and the Health Department to undertake a study to determine the future use of Windermere Basin. Specific areas this committee should explore include:

- urban design considerations with emphasis on gateway treatments, views from the skyway, aesthetics, etc.;
- suitability for development (soil stability, etc.);

- land owners' intentions;
- land use compatibility; and,
- other agencies' concerns.

Further, since the Transport and Environment Committee has recently tabled a request for additional funding for the clean-up, partially on the basis of land use (as noted previously), then that Committee should be advised of the Planning and Development Committee's direction to undertake a study to determine the future use of the Windermere Basin. The Transport and Environment Committee may then wish to make a decision on the funding for the clean-up on this basis.

CF:CS
Winder.Bas


LAKE ONTARIO
BEACH BOULEVARD
BUFFALO
QUEEN ELIZABETH WAY
TORONTO
ARTERIAL ROAD
PIER 27
PIER 26
PIER 25
PIER 24
PIER 23
PIER 21
PIER 20
HAMILTON HARBOUR
WINDERMERE BASIN
STUDY AREA
WOODWARD AVE
BURLINGTON ST.
0 100 200 300 400 500 m.
WINDERMERE BASIN STUDY
Study Area

15.

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

DATE: May 16, 1990
COMM FILE:
DEPT. FILE: P6-5

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT:

Environmental Impact Statement - Trans-Northern Pipeline Inc. Pipeline Relocation - King's Forest Park.

RECOMMENDATION:

That the Planning and Development Committee recommend to Council that:

1) the Environmental Impact Statement prepared by Ecoplans (February 1990), and as amended in May 1990, for the relocation of a Trans-Northern Pipeline Inc. pipeline through King's Forest Park be endorsed subject to the following:

   a) a development permit be issued by the Niagara Escarpment Commission;

   b) the appropriate approvals are obtained from the Hamilton Region Conservation Authority;

   c) City Council approves all the terms and conditions of the licensing agreement between Trans-Northern and the City with respect to this undertaking; and,

   d) the additional field surveys and information as requested by the Ministry of Natural Resources is completed to the satisfaction of that Ministry.

2) the City Clerk be directed to advise Regional Council of City Council's decision on this matter.

A.L. Georgieff, M.C.I.P.
Director of Local Planning

p/v J.D. Thoms, M.C.I.P.
Commissioner,
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

EXPLANATORY NOTE

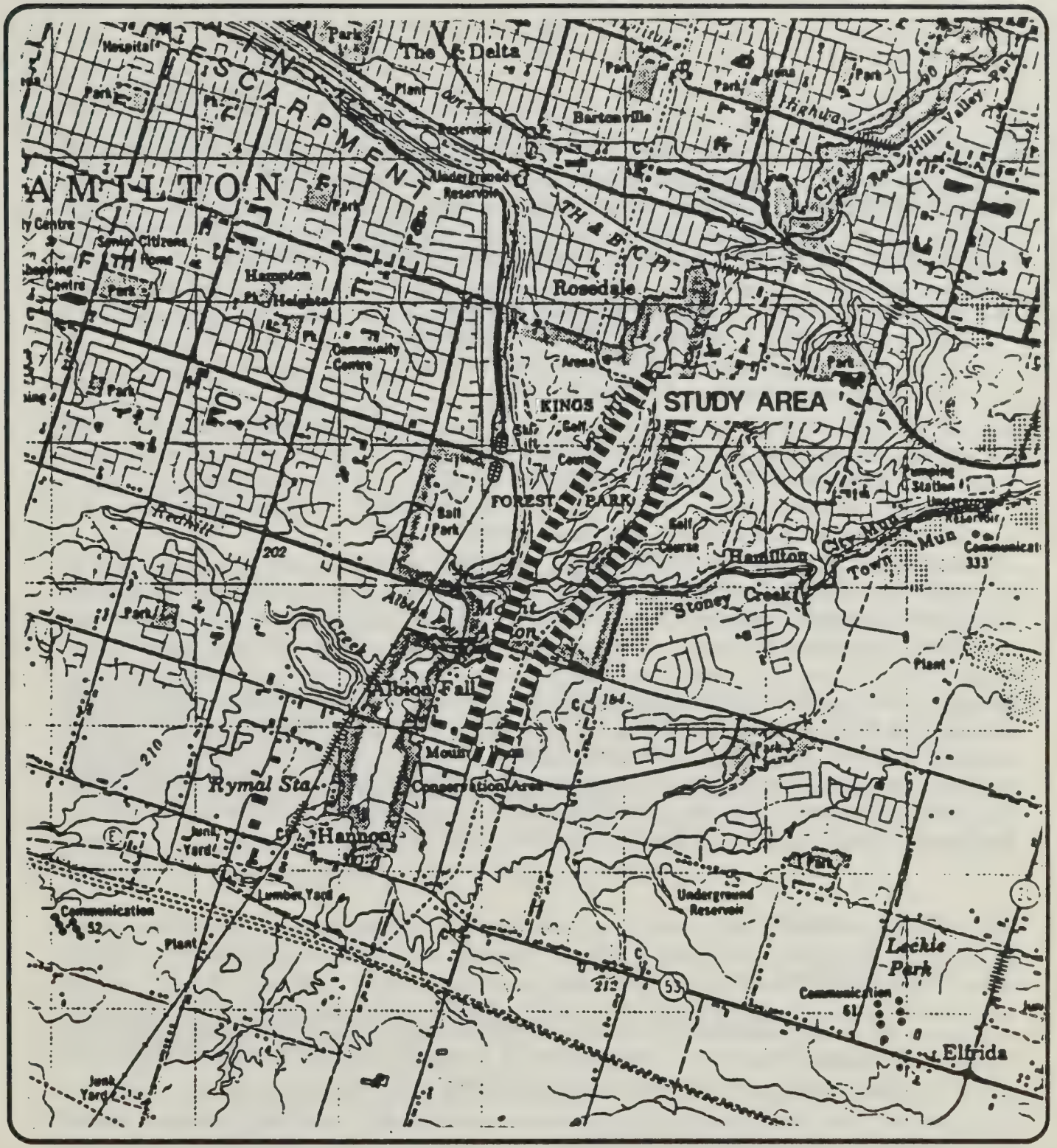
Trans-Northern Pipeline Inc. has submitted an Environmental Impact Statement for the relocation of their pipeline on City-owned land through King's Forest Park. This statement is submitted in accordance with the Official Plan and circulated to various commenting agencies for their review and comment. Endorsement of this Environmental Impact Statement is required by both the City and Regional Council.

1.0 BACKGROUND

Trans-Northern Pipeline is proposing to relocate approximately 1,660 m (5,200 feet) of their Nanticoke to Hamilton pipeline to accommodate the construction of the Red Hill Creek Expressway. The area affected by this undertaking lies between Stone Church Road to the south and Greenhill Ave. to the north (see Map 1 attached). A portion of this area, north of the Escarpment Brow lies within the Red Hill Creek-King Forest Environmentally Sensitive Area, as identified by both the Region's and City's Official Plans. In accordance with the requirements of both the both of these Official Plans, an Environmental Impact Statement (E.I.S.) prepared by Ecoplans for this undertaking, has been submitted. An E.I.S. endorsed by the City must be presented to Regional Council for concurrence.

The existing pipeline right-of-way conflicts with the route of the Transportation Corridor, which is scheduled for construction in 1991. Relocation of the pipeline is necessary to re-establish separation between the road right-of-way and the pipeline easement. Separation of the two facilities will maintain access to the pipeline for routine servicing and emergency maintenance.

Subsequent to their original submission, Trans-Northern Pipeline has revised the alignment to run adjacent to the Red Hill Creek Expressway, north of Mud Street. This revised alignment was done in response to the Parks Division's concern about the significant loss of trees on the original relocation proposal. Both the Freeway Project Office and the City Park's Division concur with this change.



Environmental Impact Statement
Trans - Northern Pipeline
Map 1

2.0 ANALYSIS

2.1 City of Hamilton Official Plan

The City's Official Plan designates the area covered by this undertaking as follows:

- the area east of Pritchard Road, between Stone Church Road and Mud Street, is designated "Utilities" on Schedule "A" and the northern portion is within Special Policy Area 1(b) - Niagara Escarpment on Schedule "B"; and,

- the area north of Mud Street to Greenhill Ave., is designated in part "Utilities" and "Open Space" on Schedule "A", and within Special Policy Areas 1 (a) and 1(b) - Niagara Escarpment on Schedule "B", a small portion north of the Escarpment Brow is shown as "Hazard Lands" on Schedule "C" and the entire area north of the Brow to Greenhill Ave. is within Environmentally Sensitive Area #4 - Red Hill Creek, King's Forest on Schedule "D".

Both the "Utilities" and the "Open Space" designation permit the proposed pipeline. Further, Policy A.3.2.3 of the Official Plan requires that a Feasibility Study and Impact Analysis be undertaken by a qualified professional. (The E.I.S. submitted by Ecoplans qualifies as a Feasibility and Impact Analysis as required by the Official Plan.) The Plan also requires that the appropriate public authorities be given an opportunity to review and make recommendations on the acceptability of the study. In addition, the Region's Official Plan also requires the submission of an E.I.S.

2.2 Other Considerations

2.2.1 Niagara Escarpment

A portion of the pipeline relocation impacts upon the Niagara Escarpment. Trans-Northern Pipeline has applied to the Niagara Escarpment Commission for a Development Control Permit to undertake the relocation. Their comments on this proposal are noted later in the report.

2.2.2 Hamilton Region Conservation Authority

The pipeline relocation also impacts on river valley slopes which fall under the jurisdiction of the Conservation Authority and which are regulated under Ontario Regulation 617/86. Trans-Northern Pipeline applied for, and received conditional approval for this undertaking. Further comments on this are found later in this report.

2.2.3 City of Hamilton

A portion of the realignment travels through King's Forest Park owned by the City. (The existing alignment is also on City owned lands.) Control over construction, maintenance and relocation of the pipeline on City lands is enforced by a licence agreement between Trans-Northern Pipeline and the City. Part of that agreement states that all pipeline structures which fall within the park "shall be designed, constructed and maintained to the satisfaction of the City's Director of Parks". It is anticipated that a report recommending a new easement be granted to accommodate the realignment will be considered by the City's Parks and Recreation Committee in late May.

2.3 Environmental Impact Statement

The 1976 Hamilton-Wentworth Region Environmentally Sensitive Areas Study identified the Red Hill Creek-King's Forest area as environmentally sensitive due to the existence of the creek and valley as a linked ecosystem, encompassing a variety of habitats, such as escarpment lands, water, valley slopes and large wooded areas.

As noted previously, the proposal is to relocate approximately 1 660 m (5,200 feet) pipeline to accommodate the construction of the Red Hill Creek Expressway between Stone Church Road and Greenhill Ave. In the original submission, Trans-Northern Pipeline proposed relocating the pipeline (north of Mud Street) west of the existing alignment (which is within the Ontario Hydro easement), on City of Hamilton property. Subsequent discussions with the City's Parks Division, Real Estate Division and the Freeway Project Office resulted in a change in the proposed alignment to 3 m west of the proposed west property line of the Freeway. The proposed right-of-way will straddle the proposed west property line for the Freeway, so that approximately 4 m will be on City lands and approximately 6 m will be on Region lands. This realignment will significantly reduce the number of mature trees that would have to be removed and reduce the overall impact of the pipeline project upon the environment. Given this change, Ecoplans has submitted an addendum to the February 1990, E.I.S. which addresses the effects the revised alignment is expected to have on the natural environment.

The E.I.S. notes that the major impacts which will occur as a result of the pipeline relocation relate to the loss of vegetation and the potential destabilization of the escarpment face in the vicinity of the pipeline. Given the magnitude of the development related to the Freeway in this area, the pipeline relocation will have a significantly less impact on the environment. Short term impacts on wildlife and recreation in the area may also occur.

The E.I.S. details the existing conditions of the environment in the area which will be impacted on the pipeline relocation. It includes a review and assessment of geomorphology and soils, hydrology and hydrogeology, vegetation, wildlife and land use.

The E.I.S. details the individual impacts of the pipeline relocation and the proposed mitigative measures. The major areas addressed in this portion of the study include:

- impact of sub-mature and mature trees;
- damage to trees adjacent to the easement;
- loss of herbaceous vegetation along the new easement;
- slope destabilization and erosion potential;
- loss of wildlife habitat; and,
- disruption of recreational trails.

In summary, the mitigating measures generally include:

- as many trees as possible will be retained;
- the remaining trees will be protected from damage by the construction activities taking place around them;
- following construction, the easement will be reseeded appropriately; and,
- as much of the affected area as possible will be returned to pre-construction conditions.

The E.I.S. also addresses a number of technical considerations including: dewatering of pipe following hydrostatic pressure testing; access points; storage areas and turnaround points; removal of excess debris; and, groundwater pumping.

The study concludes that the permit to relocate the pipeline should be supported on the basis that:

- the route has been adjusted to minimize aesthetic and environmental impacts;
- trees which have the potential to maintain slope stability and provide good canopy will be retained;
- reseeding following construction will provide erosion protection and restore wildlife habitat; and,
- the impact on recreation will be temporary.

2.4 Comments from Affected Departments and Agencies

In accordance with the Official Plan, the E.I.S. was circulated to the Hamilton Region Conservation Authority, the Ministry of Natural Resources, the Niagara Escarpment Commission, the Parks Division and the Freeway Project Office. Their comments are as follows:

- Hamilton Region Conservation Authority - as noted previously, conditional approval has been granted for this undertaking subject to the "approval of an environmental impact statement for the project by the City of Hamilton, and issuance of a development permit by the Niagara Escarpment Commission." Recent discussions with the Conservation Authority staff indicate that they support the undertaking, including the change in alignment, provided that the E.I.S. is modified to reflect the realignment and the concerns of the Ministry of Natural Resources are appropriately addressed;

- Ministry of Natural Resources - concerned with the potential impact of the relocation on the West Virginia White Butterfly, a species protected under the Endangered Species Act. The Ministry recommended further field investigations be undertaken since initial field work was done in the winter. They requested that an addendum to the original E.I.S. be submitted incorporating the route change, the additional field work requested and a modification to the impacts and mitigation measures reflecting the aforementioned changes. In response, Ecoplans submitted an addendum indicating additional field work was undertaken regarding the West Virginia Butterfly and a detailed vegetation and breeding bird survey will be carried out shortly. Ministry staff have indicated that the addendum satisfies their concerns subject to the completion of the requested surveys;

- Niagara Escarpment Commission - as noted previously, a development control permit from the Niagara Escarpment Commission is required. N.E.C. advise that "staff has no objection to the approval of the Environmental Impact Statement subject to the concerns of the Ministry of Natural Resources";

- City Parks Division - the realignment adjacent to the Freeway alignment addresses most of their concerns regarding the significant loss of trees in the original proposal. Parks staff have reviewed Ecoplans recent addendum and advise they are satisfied their concerns are addressed; and,

- Freeway Project Office - "The proposed pipeline relocation is required in order for the construction of the Freeway in this area to proceed. As the revised pipeline alignment takes advantage of the Freeway right-of-way as much as possible and as it does not interfere with the Freeway plans, this office has no objection to the approval of the relocation."

As noted previously, a Licensing Agreement is required by the City to allow this project to take place on City-owned land. A report to the Parks and Recreation Committee on this matter will be considered at a meeting in late May. Staff are recommending, amongst other things, approval of a new easement subject "to endorsement of the Environmental Impact Statement by the Planning and Development Committee and City Council".

3.0 CONCLUSIONS

On the basis of the foregoing, the Environmental Impact Statement prepared by Ecoplans dated February, 1990, and as updated by an addendum dated May 15, 1990 for the relocation of the Trans-Northern Pipeline Inc. pipeline through King's Forest Park in the City can be supported conditionally on the following basis:

- a development permit is issued from the Niagara Escarpment Commission;
- City Council endorses Parks and Recreation Committee's recommendations regarding the granting of a new easement for relocation of this pipeline;
- the appropriate approvals are received from the Hamilton Region Conservation Authority; and,
- all additional field surveys and information as required by the Ministry of Natural Resources is completed to the Ministry's satisfaction.

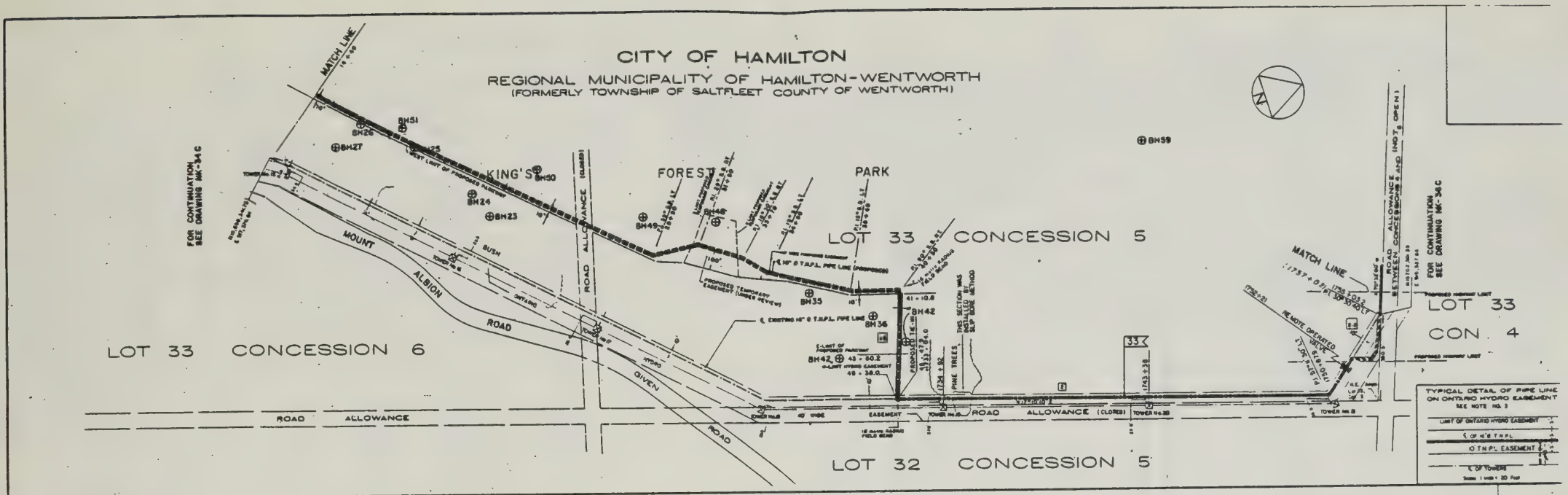
Further, Regional Council should be advised of the City Council's decision on this matter.

C.F.:ns
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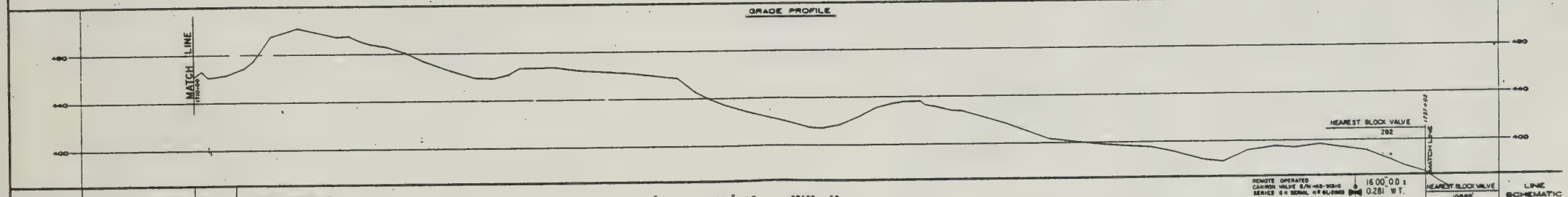
CITY OF HAMILTON

REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

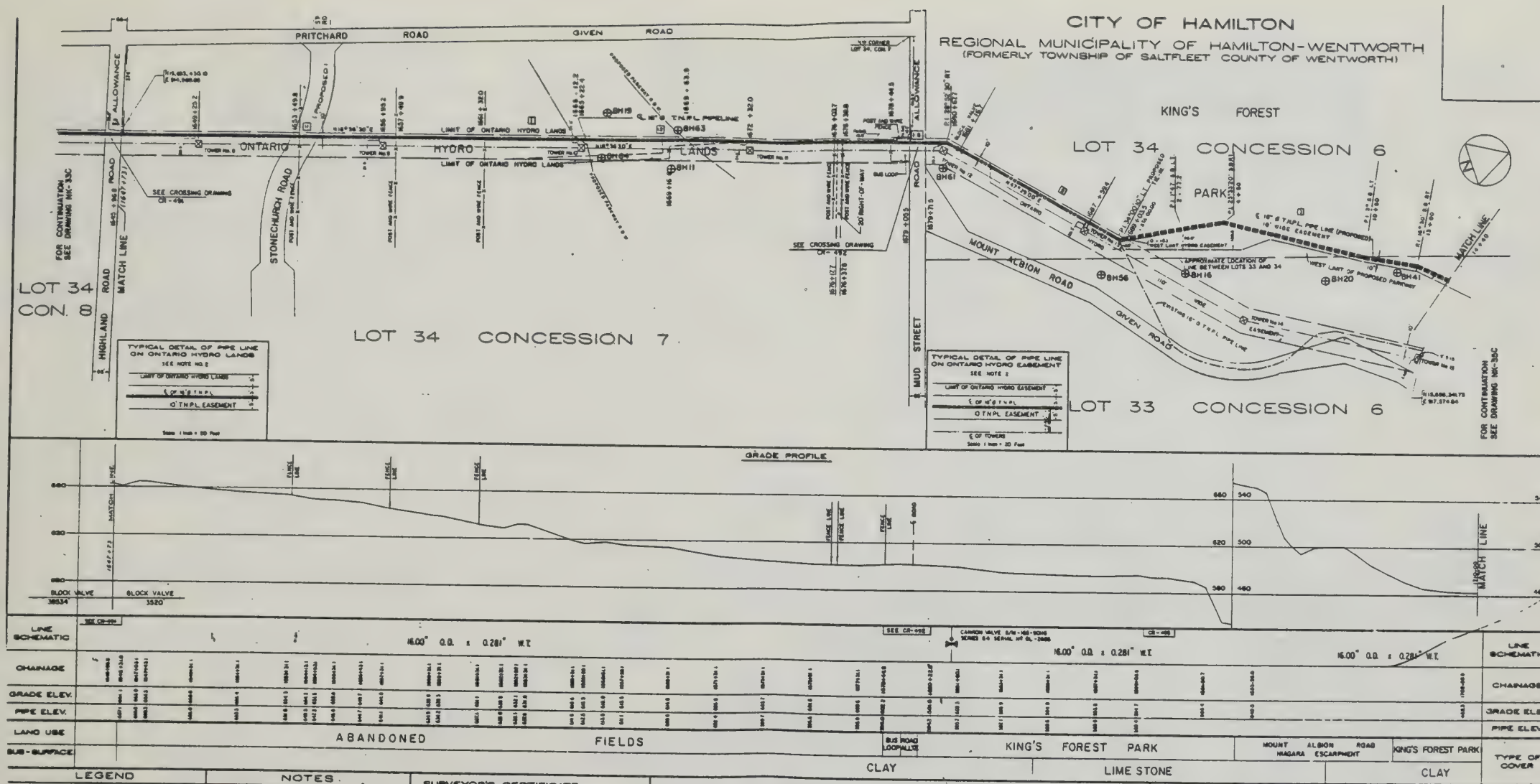
(FORMERLY TOWNSHIP OF SALTFLEET COUNTY OF WENTWORTH)



GRADE PROFILE



| | | |



LEGEND

- HYDRO TOWER AND NUMBER
- HYDRO TRANSMISSION LINE
- DITCH AND FLOW DIRECTION
- FENCE
- MILEAGE FROM HAMILTONIA STATION
- T.N.P.L. R/W DESIGNATION
- BLOCK VALVE MOTOR OPERATED
- DENOTES STANDARD IRON BAR

NOTES

1. ELEVATIONS ARE GEODETIC
2. FOR DESCRIPTION OF PIPE LINE EASEMENT REFER TO DRAWING NK-348
3. RIGHT SLANT NUMBERING DENOTES SLACK CHAINAGE FROM HAMILTONIA PUMP STATION.

THIS SHOWN HEREON WERE TAKEN TO THE NEAREST EDGE OF BASE PLATE OF HYDRO TOWERS UNLESS OTHERWISE NOTED

CERTIFICATE OF REGISTRATION

I CERTIFY THAT THIS PLAN/PROFILE AND BOOK OF REFERENCE IS REGISTERED IN THE LAND REGISTRY OFFICE FOR THE REGISTRY DIVISION OF WENTWORTH (62)
AS OF ....O'CLOCK....M. OF THE.....DAY OF.....19..

.....LAND REGISTRAR

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THIS SURVEY AND THE LOCATION OF THE PIPELINE SHOWN IS CORRECT.

MARSHALL MACKLIN MONAGHAN LIMITED
ONTARIO LAND SURVEYORS

July 26, 1977 — A.H. Tarnyda

AS CONSTRUCTED
Dec 6, 1978 — A.H. Tarnyda

Marshall Macklin Monaghan Limited
Consulting Engineers Surveyors Planners
575 Dundas East Road, Don Mills, Ontario, M3B 2Y1 (416) 449-2500

BOOK OF REFERENCE

No	STATION TO STATION	DISTANCE FEET	DISTANCE (METRES)	FLOW (WIDTH)	AREA (ACRES)	LOT	PLAN OR CON.	TOWNSHIP	OWNER	REMARKS
1	1646+96.8	1679+08.5	3308.7	10	0.780	34	7	CITY OF HAMILTON	ONTARIO HYDRO	
1-5	1679+08.5	1679+71.5	66.0	—	—	ROAD ALLOWANCE		CITY OF HAMILTON	CITY OF HAMILTON	MUD STREET
2	1679+71.5	1688-03.5	932	10	0.214	34	6	CITY OF HAMILTON	CITY OF HAMILTON	ONTARIO HYDRO EASEMENT KING'S FOREST PARK
3	E.O.N. 1688-03.5 +00.00	161	161	10	0.004	33 & 34	6	CITY OF HAMILTON	CITY OF HAMILTON	KING'S FOREST PARK
4	161	20-96.3	2080.4	10	0.478	33 & 34	6	CITY OF HAMILTON	CITY OF HAMILTON	KING'S FOREST PARK
U										
L2										

TRANS-NORTHERN PIPE LINE COMPANY

TORONTO - ONTARIO

PIPE LINE LOCATION PLAN

MILE 31.17 TO MILE 32.30

REVISIONS			
No	REMARKS	DATE	INITIALS
1	REVISED PER H.E.B. COMMENTS	5/9/79	
2	AS CONSTRUCTED	1978-06-07	
3	RELOCATION	5/11/80	
4	ADDED BOREHOLES	22 2-90	
5	ROUTE RE-ALIGNMENT	10-6-80	

ISSUED

APPROVED

DATE

SCALE HORIZONTAL 1" = 200' VERTICAL 1" = 40'

DRAWN BY I.R.SAMEK C.S.T

DWG. NO.

16.

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: May 4, 1990
COMM. FILE:
DEPT. FILE: P5-4-2-18

FROM: J.D THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT:

Housing Intensification Study

RECOMMENDATION

That the Planning and Development Committee authorize a public meeting to discuss housing intensification issues and draft options (Appendix 1).

A. L. Georgieff, M.C.I.P.
Director of Local Planning

per J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

BACKGROUND

- The housing intensification study was authorized by Council on July 26, 1988.
- The Province have provided approximately 75% ($60,000) funding.
- The study examines ways of increasing the number of housing units through redevelopment, infill and conversion. Terms of Reference are included in Appendix 2.
- The study is being guided by a Technical Steering Committee made up of representatives from
  - Ministry of Housing
  - Ministry of Municipal Affairs
  - Regional Branch, Planning Department
  - Social Services Department

- Community Development Department
- Local Branch, Planning Department
- Social Planning and Research Council

The Committee has met nine times.

February 6, 1989
March 16, 1989
April 20, 1989
June 22, 1989
September 7, 1989
October 12, 1989
November 15, 1989
February 12, 1990
March 9, 1990

A number of observers and resource people attended these meetings.

The study is divided into four stages, background, analysis, strategies and implementation. A workshop was held in the strategies stage on December 14, 1989. The study is now in the implementation stage.

o The draft options were developed from background and analysis reports (available from the Planning Department) and through discussions at the Technical Steering Committee.

o The draft options have been endorsed by the Technical Steering Committee for submission to a public meeting.

COMMENT

The draft options of the steering committee represent possible action for the City to consider. During the future public participation process, it is likely that there will be additional options suggested, and that some of the current options will be rejected. The housing conversion proposals have been developed to have a minimal impact on existing neighbourhoods. The only proposal directly affecting older housing (i.e. pre 1940) is that the requirement for each new conversion be an average of 65 square metres (700 square feet) rather than 65 square metres (700 square feet) for each unit.

CONCLUSION

A public meeting should be held to explain the draft options and submissions invited from the public. A review of submissions and recommendations from the Planning Department would be presented later to the Planning and Development Committee.

D.G.:NS
A:\HOUSINT.LET

APPENDIX 1

HOUSING INTENSIFICATION STUDY

DRAFT OPTIONS

(The Technical Steering Committee recommended that these draft options be presented at the public meeting.)

Revised: May 1990

OFFICIAL PLAN AMENDMENTS

That the Official Plan be amended to include housing intensification policies as part of the implementation of the Provincial Housing Policy. Policies should cover:

(a) general housing intensification policies for redevelopment, infill and conversions,

(b) policies for conversions reflecting the proposed zoning changes and other initiatives proposed in this study,

(c) criteria for the Committee of Adjustment in deciding on residential conversions including the beneficial effect of owner occupancy.

- Official Plan policies for housing intensification are required by the Provincial 'Land Use Planning for Housing' policy and should reflect the final recommendations of the Housing Intensification Study. This work is being carried out as a separate study by the Planning and Development Department.

HOUSING INTENSIFICATION IN AREA MUNICIPALITIES

That the Region be requested to encourage the area municipalities to carry out housing intensification studies.

- The Region should encourage the area municipalities to take a fair share of housing intensification and the Region include such policies in their Official Plan.

NEIGHBOURHOOD PLANS

That neighbourhood plans identify areas suitable for residential intensification and conversions in particular.

- areas appropriate for conversions and areas where the public desire to be able to convert can be considered as part of the neighbourhood plan process.

HIGH DENSITY STUDY FOLLOW-UP

That the Council recommendations from the High Density Residential Study be followed up by the Planning and Development Department. (See appendix for recommendations related to residential intensification.)

- A number of outstanding issues remain to be dealt with from the High Density Residential Study, the recommendations of which were referred to the Planning and Development Department.

APPEARANCE CRITERIA FOR CONVERSIONS

That the Planning and Development Department in conjunction with the Building Department develop criteria to assist in interpreting the Zoning By-law requirement that no change of appearance should take place as a result of conversions under Section 19(v).

- Criteria would help determine what constitutes a change in appearance.

RESIDENTIAL COMPONENT

That consideration be given to requiring residential use as part of a commercial development where new areas are zoned or designated for commercial use and;

That policies be prepared that would address the requirements for residential components as parts of commercial development.

- This would provide an opportunity for the private sector to construct affordable housing. This technique is being used in the proposed development at Rymal and Gage.

CASH IN LIEU OF AFFORDABLE HOUSING

That the possibility of cash in lieu of affordable housing requirements be used for Non-Profit Housing be investigated.

- This would allow flexibility for the location and type of housing. (e.g. development in or near the downtown area)

CONVERSIONS

(a) That the Zoning By-law requirement in Section 19 be changed from allowing conversions in dwellings prior to July 25, 1940 to allow conversions in dwellings erected prior to July 25, 1945, with a view to extending conversions a further five years in the future.

That the impact of the zoning change be monitored prior to extending conversions to further areas, including property value research.

- Conversions should be broadened to post 1940 areas of the City, but at a pace which can be monitored. This will take the pressure off the pre-1940 areas.

(b) That the Zoning By-law requirement in Section 19 be changed to allow conversions to dwelling units fronting onto arterial roads (Map 1) without any age restriction but subject to other conversion requirements.

- Opening up conversions further on arterial roads will take the pressure off interior parts of neighbourhoods. Higher densities on the periphery of neighbourhoods are already encouraged and people who live on the edge of neighbourhoods are usually more tolerant of adverse environmental conditions, e.g. traffic noise.

(c) That the Zoning By-law requirement in Section 19 be changed from requiring a minimum unit size of 65 square metres (700 sq. feet) to a 65 square metre average with a minimum of 40 square metres (431 sq. feet).

(d) That the Zoning By-law requirement in Section 14 for the 'H' classification be changed to allow conversions up to 10 units providing the building existed prior to March 8, 1983 as long as the ground floor frontage remains in commercial use and subject to parking requirements.

- This would open up conversions in commercial strips. Conversions up to 10 units are currently permitted without parking requirements at 180 metre (600 feet) separations. Additional residents would help the economy of commercial strips. Extra dwelling units in strip commercial areas usually provides accommodation on the periphery of neighbourhoods which is desirable. Continuous commercial use at the ground floor level is usually desirable to maintain the strength of the commercial strip.

ZONING CATEGORY REVIEW

That the Planning and Development Department review the following zoning categories with a view to residential intensification:

"H" (Community Shopping and Commercial)	"I" (Central Business)
"HI" (Civic Centre Protected)	"CR" (Commercial/Residential)
"DE" (Low Density Multiple Dwelling)	"RT" (Townhouse)
"B", "C", "D", and "R" (Single Family)	"G4" (Designed Neighbourhood)

(Including an examination of standardizing the area calculations of extensions for residential conversions)

and that other commercial categories which do not permit residential currently be also reviewed. Particular attention should be paid to Central Area zones since the Central Area Plan calls for higher residential densities in and around the downtown.

- There appears to be scope for housing intensification in these zoning categories.

CHANGE TO 'I' (CENTRAL BUSINESS DISTRICT) ZONING

That the Zoning By-law be changed to permit residential densities in accordance with "CR-3" (Commercial Residential) zoning providing Non-Residential uses be retained at the ground level.

- This will allow densities up to about 3 times coverage rather than the approximately one times coverage in the downtown areas zoned "I". Non-Residential uses are desireable at the ground floor level, eg. Commercial, Residential. This is in accordance with the Central Area Plan which calls for higher residential densities in the Central Area.

CREATION OF NEW ZONES TO PERMIT ACCESSORY APARTMENTS

That the Zoning By-law be amended to include sub-categories for the low density residential zones "B", "C", "D", and "R" (low density residential zones) but permitting duplex dwellings/accessory apartments, eg. "Bc".

- This would allow more housing intensification where new zoning is applied and more flexibility for owners.

ZONING AMENDMENT FOR LODGERS

That the zoning by-law be amended to reflect consistent requirements for lodgers in residential zones.

- some commercial districts do not allow lodgers in a single family dwelling despite the fact that residential use is permitted (ie. "H" District)

PRIDE PROGRAMS

That the Beasley/Central PRIDE (Neighbourhood Improvement) program (with a housing intensification component) proceed as planned.

- The Central Area Plan gives priority to the improvement of Central Area Neighbourhoods and residential intensification is desirable near the downtown.

FINANCIAL INCENTIVES

That a review be made to see if financial incentives could be enhanced to encourage housing intensification.

- Financial inducements may be able to be used to encourage further housing intensification, e.g. grant/loan programs.

NEIGHBOURS PROGRAM STUDY

That the Planning and Development Department prepare terms of reference for a "Neighbours" program to include public education on housing intensification as follows:

- o various forms of sharing in existing residential units;
- o creation of new self-contained units in existing residential buildings;
- o conversion of non-residential space to residential use; and,
- o residential infill or redevelopment on underdeveloped lots.

More research and information needs to be provided and presented to the Community.

INNOVATIVE HOUSING STUDY

The City of Hamilton undertake a study of innovative housing designs and layouts that would allow housing intensification; e.g., Granny flats, "Charlie" housing that allows single-family housing to easily be duplexed, Toronto Home Building charette housing, Mississauga (Trelawney) concept housing by

- o reviewing literature;
- o examining examples of current innovative housing;
- o examining older areas to see if concepts can be adapted to new housing;
- o assessing the feasibility of a new zoning category for smaller lot singles (i.e. in the 20' to 30' frontage range).
- o modifying regulations and taking other actions to expedite innovative housing;
- o sponsoring innovative housing developments.

Innovative housing offers alternative accommodations which may be desired by sections of the public and be acceptable to the community.

TRANSPORTATION / PARKING STUDY

That a terms of reference for a study to be undertaken by the Traffic and Planning Departments be drawn up. The study would consider the following items in the context of housing affordability, social needs, parking, modes of transportation and environment :

- o existing and projected car ownerships for various areas in the city including the Central Area;

- o change in trip generation and car ownership as a result of conversions from single family housing to accessory apartments;

- o impacts of conversion on front yards, boulevards and street parking;

- o alternative forms of neighbourhood parking, for e.g. rear alleyways, community parking lots and parking facilities for other uses.

- o parking requirements in the Central Area to encourage mixed use development in accordance with the Central Area Plan.

- More research is required to examine the parking issue in relation to conversions, redevelopment and infill.

RESIDENTIAL INTENSIFICATION INVENTORY

The Planning and Development Department carry out the following work.

- o prepare a comprehensive documentation of publicly owned lands suitable for residential development and housing intensification,

- o extend the Central Area analysis carried out for this study to the remainder of the city to examine conversion, infill and redevelopment potential,

- o work with owners of private sites to encourage housing intensification,

- o develop publicly owned sites using design briefs and possibly through joint venture,

- o examine public land banking for Co-op or Non-Profit Housing sites,

- o a terms of reference be drawn up and funding requested from the Province.

- Opportunities for residential intensification should be actively sought.

AS OF RIGHT CONVERSIONS SUBJECT TO COMMUNITY ACCEPTANCE

That techniques be explored to allow conversions without need for Council or Committee of Adjustment approval where the community favours the proposal.

- Further conversions could be permitted where Neighbourhood acceptance is high subject to a high percentage of owners/residents endorsement and subject to other conditions. Such mechanisms are used in the City of Toronto.

ENFORCEMENT

1) *Illegal conversions*

That streets or areas which show deterioration as a result of illegal conversions as defined by the Planning and Development Committee be the subject of review by street residents or neighbourhood association to establish a rationale for dealing with the various conversion situations and that implementation be through enforcement as appropriate.

- Enforcement of illegally converted units usually takes place on a complaint basis. However, concern has been strongly expressed about the deterioration of neighbourhoods and streets where conversions have been concentrated. Opening up wider areas of the City to conversion should take the pressure off the pre-1940 areas. However, in locations where deterioration is a concern, a review of the situation and possible remedies should be developed by those involved with staff assistance. This would make the deterioration of neighbourhoods in pre 1940 areas less likely.

2) *Entry to dwellings*

That a resolution be passed supporting the Province's proposed change to the Building Codes Act (Bill 11) so as to enable municipal building inspectors to gain entry to dwellings to ensure that zoning and building regulations are being followed:

- Enforcement of Zoning By-law and Building Code has proved difficult without right of entry, particularly for conversions.

APPENDIX

RECOMMENDATIONS FROM HIGH DENSITY RESIDENTIAL STUDY

- That the City pass a resolution urging the Province to modify the Building Code to allow for greater flexibility in the conversion of existing buildings to new residential and commercial uses, while continuing to ensure building safety and that the Planning and Development Committee refer the matter to the Planning and Development Department.

- That the City pass a resolution urging the Province to increase levels of funding for subsidized housing, especially for the purchase of land and the construction of new units, to encourage additional housing of this type in the Central Area and that the Planning and Development Committee refer the matter to the Planning and Development Department.

- That the Central Area Plan Official Plan Amendment include a policy encouraging, where appropriate:

  (i) lower building heights;
  (ii) building scale, setbacks, and design which are compatible with existing streetscapes;
  (iii) innovative design;
  (iv) preservation of heritage buildings or of historical features such as building facades;
  (v) preservation of trees and other landscape features;
  (vi) dedication to the City of useable open space for a public park where appropriate;
  (vii) turning over units for subsidized housing;
  (viii) providing ground related units suitable for families;
  (ix) providing facilities such as day nurseries for community use;
  (x) providing more than the minimum number of parking spaces, and allowing public access to the additional spaces having regard to security;
  (xi) providing enclosed parking.

  The granting of planning incentives (eg. higher densities) may be used to achieve the above and would be at the discretion of Council and would be applied on a site-by-site basis and that the Planning and Development Committee refer the matter to the Planning and Development Department.

- That the Central Area Plan Official Plan Amendment include a policy supporting the following pattern for multiple residential development:

  - where high density development is appropriate that it be located in the downtown core and/or with access to high volume arterial roads.

  - low density development be located in the centre of neighbourhoods and at a distance from the downtown core.

- medium density development be located between low density and high density development.

- that high density development should primarily be medium rise although high rise should be permitted particularly in the downtown core and in nodes where direct access to high volume roads is available.

- that locations of both density and high rise be determined through the neighbourhood plan.

- the appropriateness of development should be judged in accordance with the following criteria:

  "where little adverse impact is created on views and vistas particularly the Escarpment and the Waterfront, privacy, traffic and street scale and texture."

  and that the Planning and Development Committee refer the matter to the Planning and Development Department for review.

o The Central Area Plan Official Plan Amendment should provide definintions of the terms low, medium and high density, and low, medium and high rise and that the Planning and Development Committee refer the matter to the Planning and Development Department.

o That the Central Area Plan Official Plan Amendment include a policy encouraging further high density residential development in the downtown core and that the Planning and Development Committee refer the matter to the Planning and Development Department.

o That the Central Area Plan Official Plan Amendment include a policy supporting in certain cases the development for residential purposes of vacant areas which exist at ground level under certain apartment buildings and that the Planning and Development Committee refer the matter to the Planning and Development Department.

o That portions of landscaped areas of existing apartment buildings be examined for residential use as part of the proposed Housing Intensification Study, and that the matter be referred by the Planning and Development Committee to the Planning and Development Department.

o That the Durand Neighbourhood Plan be reviewed in consultation with the Durand Neighbourhood Plan Implementation Committee:

  (i) to develop new policies and designations for areas currently zoned for high density residential development;
  (ii) to permit additional neighbourhood-oriented commercial uses in the neighbourhood residential areas.

  and that the matter be referred by the Planning and Development Committee to the Durand Neighbourhood Plan Implementation Committee and the Planning and Development Department.

- That new multiple residential zoning categories be established that would have the following characteristics and that the Planning and Development Department prepare a report on the following matters:

    (i) reduced required side and rear yards;
    (ii) front yards related to the setbacks of buildings on adjacent properties;
    (iii) reduced landscaping bonuses;
    (iv) no landscaping bonus;
    (v) reduced building height.

    These three zones would have height and density provisions on the range of the following:

    Zone "A": 4 storey maximum, 2.0 floor area/lot area ratio.
    Zone "B": 6 storey maximum, 3.0 floor area/lot area ratio.
    Zone "C": 8 storey maximum, 4.0 floor area/lot area ratio.

    These zones may be applied to new areas to be rezoned for multiple residential development. Furthermore, the owners of Central Area lands within the "E", "E-1", and "E-2" Zones would be permitted to develop their property in line with the above provisions on the following basis:

    These three zones would have height and density provisions in the range of the following:

    (i) lands zoned "E" could be developed according to the standards of Zone "A".

    (ii) lands zoned "E-1" also could be developed according to the standards of zone "A".

    (iii) lands zoned "E-3" could be developed according to the standards of zone "B".

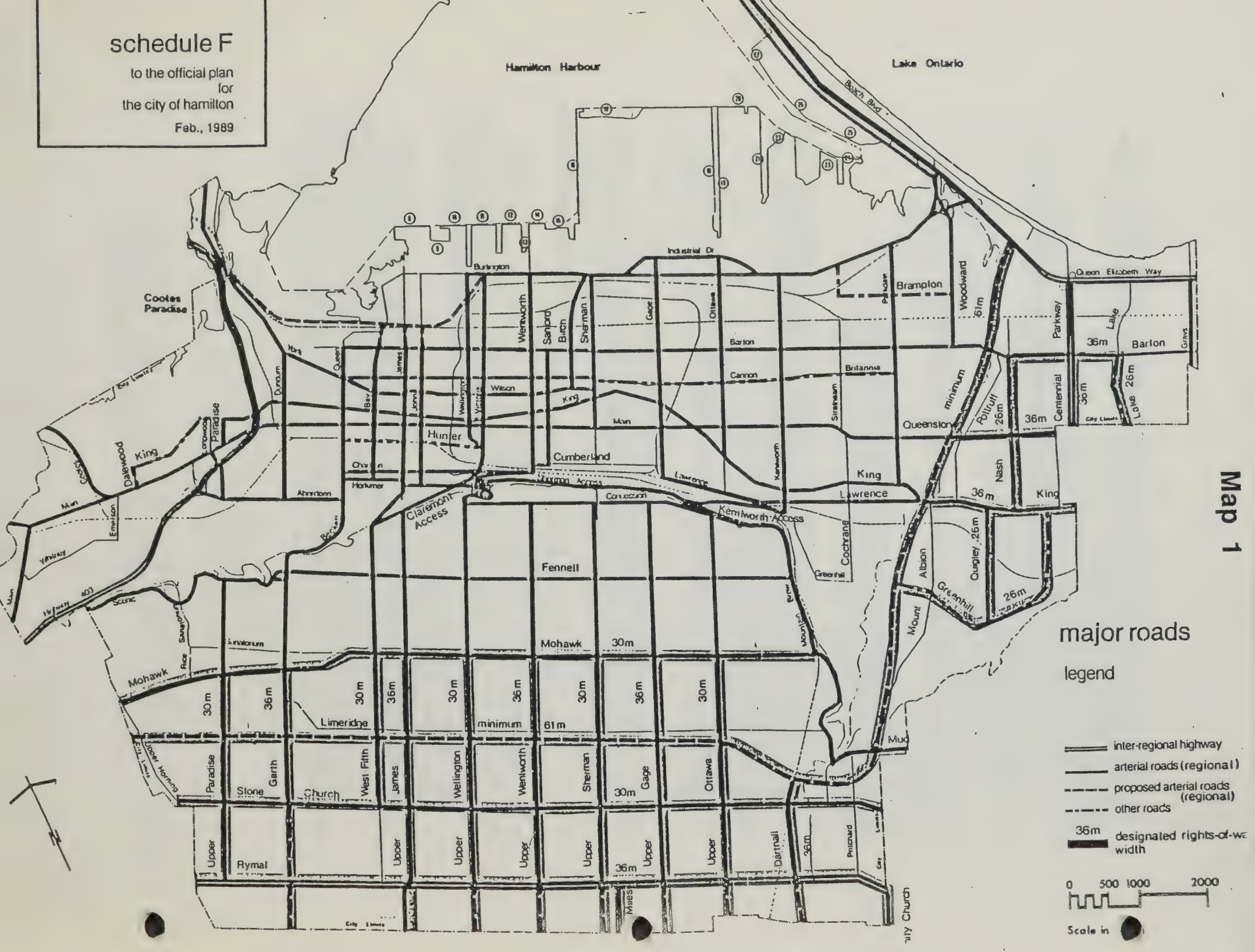
- That the Planning Department and citizen committees consider the need for more high density housing in the preparation of the neighbourhood plans for Corktown, Central, Beasley, North End East and North End West.

- That the following proposal "That the City increase the awareness of the owners of large underutilized parcels of land in the Central Area regarding the fact that the City supports the development of many such sites for high density housing, and is willing to adopt a flexible approach to development in order to meet this objective." be considered as part of the proposed Housing Intensification Study and that the matter be referred by the Planning and Development Committee to the Planning and Development Department.

schedule F

to the official plan
for
the city of hamilton

Feb., 1989



APPENDIX 2

CENTRAL AREA PLAN IMPLEMENTATION COMMITTEE

TERMS OF REFERENCE

The mandate of the Committee is to advise the Planning and Development Committee on planning matters relating to the Central Area. Including:

- The Central Area Plan. Its update and revision;
- Strategies for implementing the policies of the Central Area Plan;
- Acting as a sounding board for development proposals;
- Co-ordinating initiatives in the Central Area;
- Monitoring Central Area matters;
- Supplying representatives to other committees to give a Central Area point of view.

Administrative

- The committee will be made up of representatives of organizations and individuals who together form a knowledgeable and balanced group.
- Changes in membership will be submitted by CAPIC to the Planning and Development Committee for approval.
- A Chairperson and Vice-Chairperson will be elected by CAPIC, one of whom will be a member of City Council.
- The Planning and Development Department will be responsible for co-ordinating the Committee.

Background

- The Central Area is identified as the area bounded by Queen Street, Victoria Avenue, the Escarpment and the Bay.
- During 1979 and 1980, the Central Area Plan Advisory Committee prepared the Central Area Plan.
- In 1981, City Council adopted the plan.
- In 1983, City Council identified the need for a policy-oriented committee to implement the plan.
- The Central Area Plan Implementation Committee (CAPIC) was formed by Council in February, 1984, to concentrate on policy issues and their implementation.
- Since 1984, CAPIC has unmdertaken a major review of the Central Area Plan.
- Additionally, CAPIC has provided advice to the Planning and Development Committee on an ongoing basis.
- In 1988, City Council approved the revised Central Area Plan and it is in the process of being incorporated into the Official Plan.

Approved by Planning and Development Committee March 29, 1989.

MEMBERS - CENTRAL AREA PLAN IMPLEMENTATION COMMITTEE

Alderman David Christopherson (Chairperson) - Planning and Development Committee
Reverand Charles Forsyth (Vice-Chairperson) - First Place
Mark Boyak - Hamilton Real Estate Board
David Cohen - Corktown-Stinson Neighbourhood Association
Gloria DeSantis - Social Planning and Research Council
Russell Elman - Durand Neighbourhood
Gabriel Etele - Downtown Business Improvement Area
John Eyles - McMaster University
Ozzie Ferguson - United Senior Citizens

Arthur Lomax - Hamilton Automobile Club
Kay Nolan - Hamilton-Wentworth Roman Catholic School Board
Bruce Rankin - Hamilton Society of Architects
Gil Simmons - North End Neighbourhood
Trustee Anne Stewart - City of Hamilton
Ken Stone - Hamilton and District Labour Council
Marvin Wasserman - King Street Business Association

Alderman Hinkley questioned the start time of the meetings at 1:00 o'clock p.m. The Committee then discussed this matter and it was agreed that the meeting time BE AMENDED for a start time at 1:30 o'clock p.m.

The Committee then moved to the City Hall Council Chambers to hear Zoning Applications.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 March 16 respecting Zoning Application 88-122, for property in the area south of Rymal Road West and west of Christie Street.

G.O.:NS
TERMSREF.

17.

FOR ACTION

REPORT TO:	SUSAN REEDER, SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE	DATE	1990 MAY 15
		COMM. FILE	
FROM	J. D. THOMS, COMMISSIONER Planning and Development Department	DEPT. FILE	P5-4-7-18

RECOMMENDATION

That the Council apply to the Ministry of Municipal Affairs to receive the final payment for Stage I of the Central Business District Study (Terms of Reference are attached).

That the City Clerk carry out this recommendation.

A. L. Georgieff, M.C.I.P.
Director of Local Planning

per J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A.

EXPLANATORY NOTE

Stage I of the Study is being completed in accordance with the May 31st target date agreed to with the Ministry of Municipal Affairs. A grant of about $23,000 was awarded. The final 15% payment is now due.

BACKGROUND

- On March 29, 1988 City Council requested funding for the Central Business District Study (see attached terms of reference).

- On October 25, 1988 the Ministry of Municipal Affairs awarded a grant of $22,977.00 for the first stage of the study.

- The objectives of the CBD Study are:

  1. to define a Central Business District boundary;

  2. to investigate and review the inter-relationship of current and future land use and specify district uses and designs in detail;

  3. to define the role of roads in the Central Area as a framework for pedestrian and vehicular traffic and examine opportunities for vehicular and pedestrian separations;

  4. to define nodes of parking, including the location of multi-storey car parks;

  5. to define areas for potential commercial, residential and other redevelopment in the C.B.D.;

  6. to outline development scenarios for key blocks, with emphasis on the area surrounding Gore Park. This will be done through Planning Design Briefs which will refine land use and urban design requirements;

  7. to attract developers in the C.B.D. by providing a planned development scheme which will result in a high quality and efficient environment in which to invest;

  8. to address suitable locations and designs for open leisure space as part of a pedestrian system;

  9. establish design standards for commercial streets in the C.B.D.; and,

  10. to provide links to surrounding commercial and residential nodes in outlying areas (e.g. Hess Village).

- A C.B.D. plan would provide:

  1. a vision of the future and a vehicle for comprehensive co-ordination for the growth of the C.B.D.;

2. a strong framework for the City to make decisions about C.B.D. development;

3. a strong framework for developers and businesses, and consequently an incentive for investment and economic regeneration;

4. the basis for municipal decisions;

5. an evaluation basis for individual projects, both private and public; and,

6. an implementation strategy for economic development.

CONCLUSION

Stage I of the Study is now being completed and final payment from the Ministry of Municipal Affairs should now be requested.

DG:CS

CBDSTUDY

TERMS OF REFERENCE

CENTRAL BUSINESS DISTRICT STUDY PROPOSAL

INTRODUCTION

The purpose of the proposal is to:

1. Provide the BACKGROUND to the study.
2. Define the OBJECTIVES of the study.
3. Outline the STUDY APPROACH.
4. Define the process including PUBLIC PARTICIPATION AND TECHNICAL SUPPORT.
5. Give a TIME SCHEDULE for the study.
6. Provide STUDY COSTS.

1. BACKGROUND

- Central Hamilton has been designated in both the Regional Official Plan and the City of Hamilton Official Plan as a Regional Centre serving all residents in Hamilton.
- The Central Area of Hamilton is recognized as being of paramount importance to the economic health and viability of the Region.
- A Central Area Plan was prepared and adopted by City Council in January, 1981, to guide the growth of the downtown and Central Area.
- The basic thrust of the Central Area Plan is to create a functionally efficient and environmentally attractive high density, mixed use area.
- The Central Area Plan Implementation Committee (CAPIC) (see Section 4) has spent the last two years reviewing and updating the document and has recently unanimously approved an updated Central Area Plan reinforcing and carrying further the thrust of the current plan. The new Central Area Plan was adopted by Council as an Official Plan Amendment in October, 1988.

- The Economic Development Strategy, which was adopted by the Region in January, 1987, supports the quality of life/economic development strategies of the Central Area Plan.

- The basis for the Central Business District (C.B.D.) Study is in the Central Area Plan's Implementation Strategy which requires the policies of the Central Area Plan to be elaborated on by providing a block-by-block analysis and vision of the future.

- The plan will establish a framework of potential land uses, pedestrian facilities, parking nodes and transit services to guide and encourage new development.

- The C.B.D. plan would be in the form of a diagrammatic map showing three-dimensional development rather than written policies, although there may be the need to amend the Central Area Plan, the Neighbourhood Plans and the +15 policies.

- The C.B.D. plan is particularly timely since:

  1) The Central Area Plan objectives have recently been reaffirmed and the policies updated and refined. The policy framework is therefore current.

  2) The downtown parking study will soon be completed. This will provide a basis for the C.B.D. study.

  3) The GO rail study has been recently completed and the CP (T.H. & B.) station selected as the GO rail terminus, and long distance bus terminal.

  4) The Perimeter Road study has recently reaffirmed a concept for a new by-pass for the C.B.D. and will establish design details during 1989. The Perimeter Road is a key element in increasing accessibility to the C.B.D. and allowing for further environmental upgrading.

  5) The streetscaping improvements initiated as part of the Downtown Action Plan are nearing completion. New priorities for streetscaping need to be established.

  6) The +15 policies require updating since they were prepared several years ago. A review tied into the street level pedestrian system is needed.

  7) The High Density Residential Study has highlighted the need for additional housing in the Central Area and particularly, the Central Business District.

  8) The Central Area is continuing to experience development pressures which could result in major changes to the form of the downtown.

- A C.B.D plan would provide:

  1) a vision of the future and a vehicle for comprehensive co-ordination for the growth of the C.B.D.;

  2) a strong framework for the City to make decisions about C.B.D. development;

  3) a strong framework for developers and businesses, and consequently an incentive for investment and economic regeneration;

  4) the basis for municipal decisions;

  5) an evaluation basis for individual projects, both private and public; and,

  6) an implementation strategy for economic development.

- Such documents do not appear to be widely used in Ontario. The project will be on the forefront of Planning in the Province and would help project Hamilton's image as a progressive community. The Province could use the project for educational purposes at conferences and workshops by involving staff and decision makers from Hamilton. Sharing information with other municipalities would help the Province carry out its municipal affairs role.

2. OBJECTIVES

It is proposed that the C.B.D. Study provide a detailed plan for development and redevelopment in the downtown.

The purpose of a C.B.D. Study will be:

1) to define a Central Business District boundary;

2) to investigate and review the inter-relationship of current and future land use and specify district uses and designs in detail;

3) to define the role of roads in the Central Area as a framework for pedestrian and vehicular traffic and examine opportunities for vehicular and pedestrian separations;

4) to define nodes of parking, including the location of multi-storey car parks;

5) to define areas for potential commercial, residential and other redevelopment in the C.B.D.;

6) to outline development scenarios for key blocks, with emphasis on the area surrounding Gore Park. This will be done through Planning Design Briefs which will refine land use and urban design requirements;

7) to attract developers to the C.B.D. by providing a planned development scheme which will result in a high quality and efficient environment in which to invest;

8) to address suitable locations and designs for open leisure space as part of a pedestrian system;

9) establish design standards for commercial streets in the C.B.D.; and,

10) to provide links to surrounding commercial and residential nodes in outlying areas (e.g., Hess Village).

3. STUDY APPROACH

The Study will be undertaken in the following phases:

- Phase 1 (BACKGROUND) will examine current trends in the downtown, delineate a C.B.D. boundary and identify opportunities and constraints to development.
- Phase 2 (ANALYSIS) will analyze trends and opportunities for potential development.
- Phase 3 (POLICY DEVELOPMENT) will define specific land use designations and policies to guide development in the downtown.
- Phase 4 (DEVELOPMENT STRATEGIES) will outline development strategies for specific blocks in the downtown.
- Phase 5 (IMPLEMENTATION) will consist of the implementation of the Study.

PHASE 1 - BACKGROUND

Phase 1 will review current conditions and trends affecting the Central Business District. In addition, a C.B.D. boundary will be defined during this phase of the Study.

This phase of the study will consist of the following steps:

1. Identify the C.B.D. boundary. To date, specific boundaries for the City's C.B.D. have yet to be established.

2. Review current policies which affect development and land use in the Central Business District, including:

   - o Regional Official Plan;
   - o Hamilton Official Plan;
   - o Downtown Action Plan;
   - o Regional Economic Strategy;
   - o Neighbourhood Plans; and,
   - o +15 policies.

3. Establish a hierarchy of roads and pedestrian routes in the Central Area.

4. Identify development constraints in the Central Business District. These constraints include:

   - o land costs;
   - o heritage buildings and areas;
   - o zoning and site plan regulations;
   - o market conditions; and,
   - o condition of buildings.

5. Review past trends relating to:

   - o demographic and household characteristics;
   - o employment;
   - o development activities;
   - o land uses;
   - o business activities;
   - o movement (pedestrian, traffic, transit and bicycles); and,
   - o parking and loading.

Background information and presentation panels will be prepared and reviewed by CAPIC and the Technical Committee. Consultants will be hired and used on a technical and advisory basis.

PHASE 2 - ANALYSIS

This phase of the Study will examine and identify opportunities for redevelopment in the Central Business District, particularly key blocks which are presently vacant or underutilized. In addition, the Study will analyze the present and future functions of areas within the C.B.D. and identify opportunities for linkages.

Phase 2 of the Study will include the following steps:

1. Analyze need for facilities and services.

2. Identify key properties, block and areas on which development or redevelopment would be appropriate. These will be primarily vacant and underutilized sites or have potential for rehabilitation. During this exercise, areas which merit preservation will also be identified.

3. Analyze the potential for changes in land uses and activities and identify preferred land use on a property basis.

4. Examine the inter-relationship of buildings and areas. Existing and potential linkages between areas will also be identified.

5. Review problems and issues associated with development and activities within the C.B.D., e.g., parking, through-traffic and pedestrian movement.

6. Identify unique areas which may merit special policy attention, e.g., transitional, institutional or government services, retail, mixed use, residential and office areas.

7. Address the impact of policies and regulations on C.B.D. development. Examples include current restrictions and opportunities for residential or mixed use development..

Work will be reviewed by the Technical Committee. Meetings will be held with appropriate agencies, including CAPIC, for information purposes. Consultants will be used in an advisory capacity.

PHASE 3 - POLICY DEVELOPMENT

Land use and urban design options will be developed, evaluated and a preferred concept developed. The need for policy changes will be reviewed.

Steps in this phase will be:

1. Generation of alternative land use and urban designs. Potential land uses at various levels will be identified and the pedestrian linkages of the internal block will be established. Entrance points of each block will be worked out to ensure that the inter-relationship of each block as well as the overall development of the C.B.D. functions well.

2. Evaluation of Options

   Work will be reviewed by the Technical Committee. Meetings will be held with appropriate agencies, including CAPIC, for information purposes. A consultant will be used extensively to prepare designs, renderings and isometric drawings on a block-by-block basis. A computer aided design system will be used as necessary. An open house will be held.

PHASE 4 - DEVELOPMENT STRATEGIES

Phase 4 of the Study is intended to catalyze development on key blocks. Planning design briefs will be prepared for guidance of publicly and/or privately owned blocks.

Steps in this phase are:

1. Development of a blueprint for the future will be established in map form. Although developments may not follow the blueprint, the overall concept should be preserved.

2. Review of the Central Area Plan, Neighbourhood Plan, and other policies to determine need for changes.

3. Identify blocks based on the importance of the block for redevelopment and to the C.B.D.

4. Develop a planning brief including land use, massing, setbacks, heights, pedestrian linkages, servicing, historic preservation, etc. Visual representations will be prepared to suggest type and appearance of possible development.

Work in this phase will be reviewed by the Technical Committee. A consultant will be used to prepare the preferred concept and illustrate the planning design briefs. A computer aided design system will be used as necessary. A public meeting will be held to review the development strategies. Meetings will be held with appropriate agencies, including CAPIC, for input.

PHASE 5 - IMPLEMENTATION

This phase will involve a final report which will include recommendations on:

- the C.B.D. plan;

- the necessary policy changes; and,

- setting up the mechanisms for initiating development on key blocks and monitoring.

The work will be reviewed by the Technical Committee. Meetings will be held with appropriate agencies, including CAPIC, for input. Agency comments will be incorporated as appropriate. The document will be presented to the Planning and Development Committee and Council at a public meeting and the necessary approvals will be obtained from Council.

4. PUBLIC PARTICIPATION AND TECHNICAL SUPPORT

The involvement of a Technical Committee and the Central Area Plan Implementation Committee has already been noted in the Study Approach. A Technical Committee will be formed from the following agencies:

- Planning and Development Department;
- Community Development Department;
- Parking Authority;
- Traffic Department;
- Economic Development Department; and,
- Ministry of Municipal Affairs.

The current CAPIC membership is as follows:

Alderman David Christopherson (Chairperson)
Rev. Charles Forsyth, (Vice-Chairperson) First Place
Mark Boyak, Hamilton Real Estate Board
Bruce Charlton, Past Chairperson
Russell Elman, Coalition on Sensible Transit and Durand Association
Ozzie Ferguson, Unitied Senior Citizens of Ontario
Arthur Lomax, Hamilton Automobile Club
Gabriel Etele, Downtown Business Improvement Area
Kay Nolan, Hamilton-Wentworth Roman Catholic Separate School Board
Bruce Rankin, Hamilton Society of Architects
Gillian Simmons, North End Neighbourhood
Gloria DeSanits (Clodagh Stoker-Long, alternative) Social Planning and Research Council
Marvin Wasserman, King East Business Association
Diane Brown, Com-Can Mercantile Realty Corporation
Helen Nemeth, Beasley Neighbourhood Resident
Ken Stone, Hamilton District Labour Council
John Eyles, McMaster University
Francois Roesch, Corktown Neighbourhood
Anne Stewart, Hamilton-Wentworth Public School Board

Other relevant agencies, such as the Urban Design Committee, LACAC, (subcommittees of the City's Planning and Development Committee) will be consulted for input.

The general public will be involved at a public open house at the end of Phase 3, at a public meeting in Phase 4, and the joint council presentation in Phase 5.

The Planning and Development Department will co-ordinate the project. Architectural/Urban Design Consultants will be used to supplement in-house expertise.

5. STUDY TIMING

It is anticipated that the Study will take 15 months of lapsed time, starting in August, 1989 (see Appendix 1).

6. STUDY COSTS

The total cost of the Study is estimated to be $70,110, broken down in Table 1.

It is anticipated that funding for 50% of the Study Costs could be provided from the Ministry of Municipal Affairs in the form of a Community Planning Grant. The City would be responsible for the remaining costs of the study, which would be derived from the Planning Department budget, through assignment of Planning staff and support services

DG:CS
CBDSProp

CENTRAL BUSINESS DISTRICT STUDY

ESTIMATE OF STAFF TIME AND COSTS

STAGE I

Phase 1	BACKGROUND	DAYS	COST $
	Manager	5	1,190
	Planner 1	10	1,890
	Planner 3	10	1,540
	Student	60	8,100
		85	12,720

Phase 2	ANALYSIS	DAYS	COST $
	Manager	5	1,190
	Planner 1	25	4,725
	Planner 3	25	3,850
	Student	05	675
		60	10,440

Phase 3	POLICY DEVELOPMENT	DAYS	COST $
	Manager	10	2,380
	Planner 1	15	2,835
	Planner 3	20	3,080
		45	8,295
	Total	190	$ 31,455

STAGE II

Phase 4	DEVELOPMENT STRATEGIES	DAYS	COST $
	Manager	10	2,380
	Planner 1	25	4,725
	Planner 3	20	3,080
		55	10,185

Phase 5	IMPLEMENTATION		
	Manager	5	1,190
	Planner 1	20	3,780
		25	4,970
	Total	80	$ 15,155

Planning Department Staff Time - Overall Total 270 Days $ 46,610

SUMMARY COST

	$ Stage I	$ Stage II	$ Total
Planning Department Staff (255 days)	31,455	15,155	46,610
Consultant	7,500	2,500	10,000
Cartographic and Technical Support	5,000	2,000	7,000
Printing/Secretarial/Administrative	1,000	4,000	5,000
Computer	1,000	500	1,500
TOTAL	45,955	24,155	70,110

CENTRAL BUSINESS DISTRICT - SCHEDULE

1989					1990										
AUG.	SEPT.	OCT.	NOV.	DEC.	JAN.	FEB.	MAR.	APRIL	MAY	JUNE	JULY	AUG.	SEPT.	OCT.	NOV.

Phase 1 _____
BACKGROUND

Phase 2 _____
ANALYSIS

Phase 3 _____
POLICY DEVELOPMENT

Phase 4 _____
DEVELOPMENT STRATEGIES

Phase 5 _____
IMPLEMENTATION

TC	AM		TC	AM	TC		TC	AM	TC		TC	AM	PD		PM		TA	AM	PD		PM	TC	AM	TC	PD	PM
o	o		o	o	o		o	o	o		o	o			o		o	o	o		o	o	o	o	o	o	

TC Technical Committee
AM Agency Meetings including Central Area Plan Implementation Committee (CAPIC)
PD Planning and Development Committee

18.

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
OF THE PLANNING AND DEVELOPMENT
COMMITTEE

DATE: May 10, 1990
COMM. FILE:
DEPT. FILE: DA-89-111
Ryckmans
Neighbourhood
(DA-86-21)
(ZA-85-65)
(ZA-89-45)

FROM: J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT:

Site Plan Control Application DA-89-111 to amend DA-86-21 for a new and used auto sales facility at 1492 Upper James Street.

RECOMMENDATION

1. That approval be given to Site Plan Control Application DA-89-111 to amend DA-86-21 by 603815 Ontario Inc., (W.A. Hemstreet) owner of lands known as 1492 Upper James for a new and used auto sales facility subject to the following:

   i) modification to the plan in relation to notes, and dimensions, and provision of the pylon sign elevations, as marked in red on the plans; and,

   ii) revision to the plan to provide for the revised pylon sign location and setback of 3.048 m (10.0') from the front property-line along Upper James Street as marked in red on the plan, instead of no proposed setback; and further,

2. That in regard to Zoning Application ZA-89-45 for the subject development, the following resolution be forwarded to City Council for approval;

   That Section 12 of the Twenty-First Report for 1989 of the Planning and Development Committee to City Council, approved on 1989 September 26th, in regard to Zoning Application ZA-89-45 by 603815 Ontario Inc., owner of lands located at No. 1492 Upper James Street be amended as follows:

   A. That subsection (a)(i) be clarified by changing "existing building" to "existing building(s)" in the sixth line; and,

   B. That a new subsection (a)(ii) to the following effect be added:

      (a)(ii) That the "C" (Urban Protected Residential, etc.) District regulations as contained in Section 9 of Zoning By-law No. 6593, applicable to the subject lands, be further modified to include the following special provision:

1. That notwithstanding Section 9.(1) of Zoning By-law No. 6593, one (1) pylon sign will be permitted on the lot in accordance with the requirements of Section 14A(3)(a) of Zoning By-law No. 6593.

C. That subsections (a)(ii), (a)(iii), (a)(iv), (a)(v) and (a)(vi) of Section 12 of the Twenty-First Report be renumbered accordingly.

EXPLANATORY NOTE

The purpose of the amendment is to permit a pylon sign for the purpose of business identification in conjunction with a temporary new and used auto sales lot. Other commercial uses located along this area of Upper James Street which are zoned "HH" permit a pylon sign to be located 3.0 m minimum from the front property line. A 3.0 m minimum distance is therefore consistent with the commercial development.

A.L. Georgieff, M.C.I.P.
Director of Local Planning

J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

BACKGROUND

Plans have been submitted to fulfil a condition of the recent zoning modification, that a site plan be approved by the City of Hamilton prior to finalization of the zoning by-law, to permit a temporary new and used auto sales development at 1492 Upper James Street. The previously approved plans of Site Plan Control Application DA-86-21 for the subject property are to be amended for certain details and for the addition of a pylon sign along Upper James Street. The sign is proposed to be located 0.0 m from the front property line.

The development will utilize an existing one (1) storey garage and mobile trailer, and a 3.0 m minimum landscape strip will be maintained along the northerly property line.

COMMENTS RECEIVED

The Hamilton-Wentworth Engineering Department has advised that they have reviewed the grading plan for the development and find the addition of the sign does not affect the present lot grading, therefore they have no comment. However, the applicant should be aware of a future road widening along Upper James Street which will be required once the land is redeveloped to its designated commercial use.

Also it is recommended that all portions of the proposed pylon sign should be setback a minimum of 3.043 m from the existing Upper James Street road allowance limit and the bottom of the face board be a minimum of 2.44 m (8 feet above ground). This will relocate the sign outside of those lands required for the future widening of Upper James Street.

Furthermore, it is recommended that the planter box be setback 3.048 m (10 ft.) from the existing street line, and the planter box, etc. and mature height of the vegetation from the ultimate widened limits of Upper James Street to a point 5.0 m westerly, not exceed a height of 0.80 m above the corresponding perpendicular centreline elevation of Upper James Street.

The Building Department has advised that the proposed pylon sign is not permitted under the "C" District regulations of Zoning By-law No. 6593.

The Traffic Department has reviewed the plan submitted and have no comments.

COMMENTS

Various modifications are required to the plan in relation to notes, dimensions, pylon sign setback, provision of pylon sign elevations and have been marked in red on the plans.

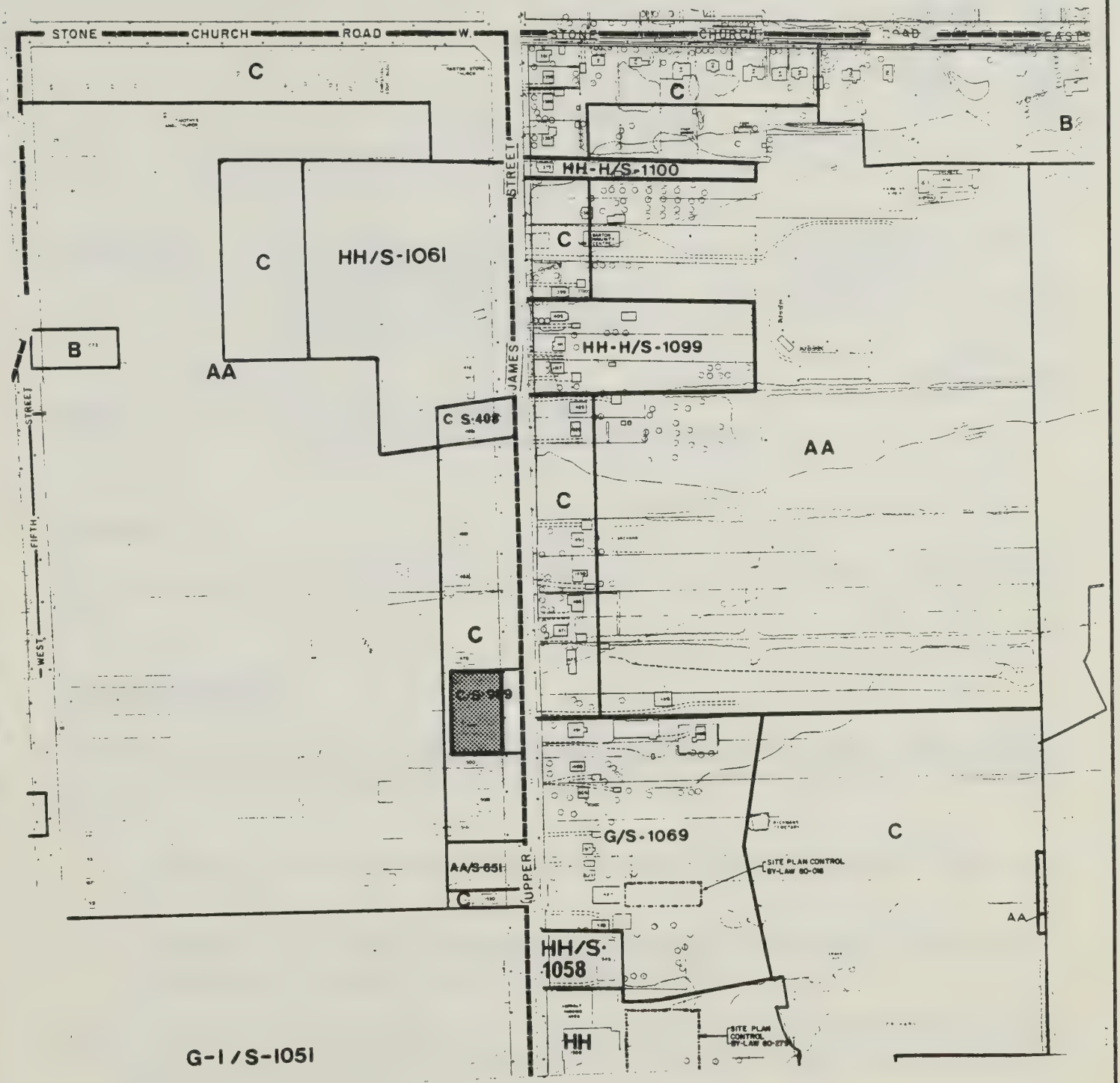
With respect to the proposed pylon sign, the applicant has requested a "0" setback from the front property line. It has been noted to the applicant that commercial uses along this area of Upper James Street which are zoned "HH" permit one (1) business identification sign to be located 3.0 m from the front property line, and that a setback of 3.0 m is consistent with those areas and should be provided. Also, the sign would be more appropriately located in the centre of the street frontage rather than the proposed northerly limit adjacent to the abutting residential property.

The application has agreed to this recommendation and wishes to proceed with the application on this basis.

The resolution, approved by the Planning and Development Committee, to City Council regarding Zoning Application ZA-89-45 for the subject development should be amended to permit the proposed pylon sign. Furthermore, the current wording technically permits only one (1) existing building to be used on site, whereas there are presently two (2) buildings including the trailer. Accordingly, the resolution should be appropriately amended.

Section 34(16) of the Planning Act allows City Council to change a proposed By-law after holding a Public Meeting without further notice. In this instance, the changes are minor and do not alter the intent of the proposed by-law.

JL/ma
WPDA89111



MEWBURN No. 101

RYCKMANS No. 119

City of Hamilton

Plan Showing Lands Subject to

Site Plan Control Application DA-89-111

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

Site of the Application

North	Scale	Reference File No.
	1:5000	DA-89-111
	Date	Drawn By
	DECEMBER, 1989	T.A.

19.

FOR ACTION

REPORT TO: ALDERMAN JOHN SMITH
CHAIRMAN AND WARD
ALDERMAN OF THE PLANNING
AND DEVELOPMENT COMMITTEE

DATE: May 16, 1990
COMM. FILE:
DEPT. FILE: DA-90-18
Westdale
South
Neighbourhood

FROM: J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT:

Site Plan Control Application DA-90-18 for development of a Canada Trust building at 938 King Street West.

RECOMMENDATION:

That approval be given to Site Plan Control Application DA-90-18 by Truscan Realty Limited, owners of lands known as 938 King Street West, for development of a Canada Trust Building subject to the following:

i) modification to the plan in relation to notes, dimensions and access driveway as marked in red on the plan;

ii) modification of the existing boulevard parking agreement for any parking or paving within the road allowance and daylight triangle at King and Cline Street;

iii) modification to the landscape plan as shown in red on the plan or alternately submission of a revised landscape plan to the satisfaction of the Director of Local Planning, Planning and Development Department;

iv) provision of the appropriate landscape agreement with the City of Hamilton should any landscaping exist or be proposed within the road allowance;

v) modification to the plan to delete the proposed pylon sign; and

vi) approval by the Committee of Adjustment for the following variances:

1. to permit a northerly rear yard of 2.07 m instead of the required 4.5 m.

2. to permit 11 parking spaces to be provided on site instead of the required 14 spaces.

A.L. Georgieff, M.C.I.P.
Director of Local Planning

per **J.D. Thoms, M.C.I.P.**
Commissioner
Planning and Development Department

BACKGROUND

Plans have been submitted for the development of a Canada Trust Building at 938 King Street West. The details of the development are as follows:

• Lot Area	-	902.5 m^2 (9714 sq.ft.)
• Building Area (Max.)	-	286.1 m^2 (3080 sq.ft.)
• Gross Floor Area (Max.)	-	429.2 m^2 (4620 sq.ft.)
• Building Height (Max.)	-	6.7 m (22'), two storey
• Parking Spaces Provided	-	11 (Total 15 with Boulevard Parking Agreement)
• Landscape area	-	616.3 m (6634 sq. ft.)
• Exterior Building Materials	-	Brick Veneer, Illuminated sign panels and insulated glass in metal frames

The development will provide a landscape treatment along Cline Avenue north and along a portion of the easterly lot line.

COMMENTS RECEIVED

The Hamilton-Wentworth Engineering Department has advised that the grading plan is satisfactory. However, since there are existing curb stops in the road allowance, the applicant should enter into a Boulevard Parking Agreement with the City of Hamilton for any parking within the road allowance.

The Building Department has advised that the applicant has made an application A-90:66, to the Committee of Adjustment for three (3) variances dealing with a reduction of rear yard, parking spaces and to permit a pylon sign.

The Traffic Department has advised that there is currently a boulevard parking agreement in place to allow parking in the general area indicated on this application. However, as a condition of site plan approval the existing agreement should be modified.

Furthermore, the applicant should be aware that Cline Avenue, adjacent to the site, is one-way and will continue to be so designated. Thus, it is recommended that a two-way driveway entrance to Cline be provided instead of the proposed one-way arrangement.

COMMENTS

Various modifications are required to the plan in relation to notes, dimensions and access driveway designation and have been marked in red on the plan.

The landscape treatment for the proposed development could be improved by providing additional deciduous trees with an understorey planting of flowering shrub and ground cover. Any landscaping within the road allowance will require the appropriate landscape agreement with the City of Hamilton. Thus, as a condition of site plan approval, a revised landscape plan should be submitted as shown in red on the plan, or alternately a revised plan should be submitted to the satisfaction of the Director of Local Planning, Planning and Development Department.

The applicant has requested the following variances from the by-law:

1. a northerly rear yard depth of 2.07 m instead of the required 4.5 m;

2. a pylon sign is proposed whereas the district regulations do not permit ground signs;

3. to provide 11 parking spaces on site instead of the required 14 spaces.

Presently, there exists a one (1) storey building on the site with a 0.0 m setback from the northerly lot line. The requested setback is greater than the existing condition. With respect to the variance for a reduced parking requirement, there is an existing boulevard parking agreement with the City which permits six (6) parking spaces partially in the road allowance. The Traffic Department has indicated that this use could be continued subject to the agreement being modified for the new proposal. This would ultimately provide 15 parking spaces for the development.

Therefore, the variance for the reduced northerly rear yard and reduced parking is minor in nature and can be supported.

However, the pylon sign is not a permitted use. Since the proposed pylon sign would be out of character with the area and is not in keeping with the intent of the "G" District (Neighbourhood Shopping) of Zoning By-law 6593, this variance cannot be supported. The plan should be revised to delete the pylon sign from the development plan.

An application should be made to the Committee of Adjustment for the reduced north rear yard and reduced parking variances. The applicant has been made aware of the above-mentioned recommendation and wishes to proceed with the application.

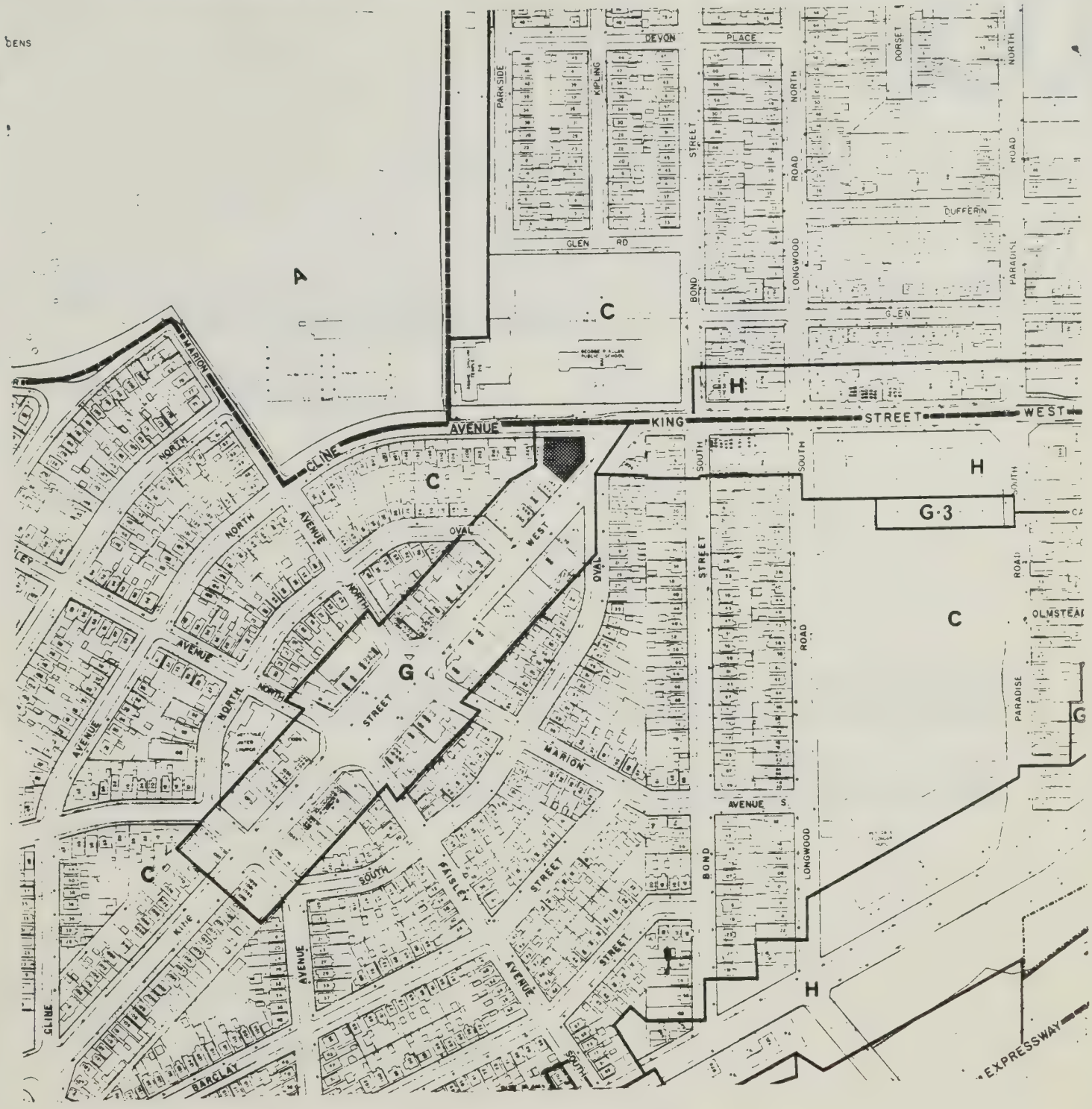
It should be noted that the project architect has met with department staff to discuss the urban design aspect of the project. The initial comments indicated that building form should recognize the existing streetscape of the area having primarily two storey buildings located along the commercial street frontage. Also, the importance of the corner site at a curve in regards to views and building identification must be considered. The architect has indicated that although a building fronting onto King Street may be desirable, the proposed two storey building forms a buffer between the residential area on Cline Street and the commercial activity of King Street West. The location of the parking area is also oriented to the commercial street and away from the residential area, thus focusing all commercial activity toward King Street.

Since the proposed building is located in the same area on which a one storey building with adjacent parking had been established for many years, and since the existing character of the property will not be substantially altered with the new development, the proposed form of the project is acceptable.

JL/ma
WPDA9018

COOTES PARADISE B 30

WESTDALE NORTH 135



WESTDALE SOUTH 136

City of Hamilton

Plan Showing
Lands Subject to

Site Plan Control
Application DA-90-18

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

Site of the Application

North	Scale	Reference File No.
	1:5000	DA - 90 - 18
	Date	Drawn By
	March 13, 1990	J.A

20.

FOR ACTION

REPORT TO: Susan Reeder, Secretary
Planning and Development Committee

DATE: May 17, 1990
COMM FILE:
DEPT. FILE: P5-4-7-9

FROM: Charles Forsyth
Chairperson, CAPIC

SUBJECT:

Royal Commission on the Future of the Toronto Waterfront.

RECOMMENDATION

That the City of Hamilton request Regional Council to petition the Royal Commission on the Future of the Toronto Waterfront to extend their area of study to include the Hamilton-Wentworth Waterfront.

That Regional Council be requested to direct staff from the Regional Planning and Development Department to attend public hearings and other meetings, as necessary, and report back on matters relevant to the Region and City.

David Godley
for **Charles H. Forsyth**
Chairman
Central Area Plan Implementation Committee

BACKGROUND

The Commission is at the halfway stage through its mandate of preparing a strategy for planning along the Toronto area shoreline, which it is due to be completed in 1991.

The area covered by the Commission is from Durham to Halton. At present, half the Hamilton Harbour, on the Burlington side, is under consideration by the Commission. The Hamilton side is not within the Commission's area of study.

After consideration at the May 11th meeting, CAPIC felt that some public involvement on behalf of the Region and the City was required.

There are various ways which the Region of Hamilton-Wentworth and the City of Hamilton can have input into the Commission. These include attending public hearings, making written submissions to public hearings, and meeting with the Commissioner, David Crombie.

NOTE: The Planning and Development Department supports the recommendations.

RA:CS
CAPICREP

21a.

FOR INFORMATION

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

DATE: May 17, 1990
COMM. FILE:
DEPT. FILE: 90.2.4.2.A

SUBJECT:

ILLEGAL OCCUPANCIES - HYDRO ELECTRIC CONNECTIONS

BACKGROUND:

Alderman J. Smith, Chairman of the Planning and Development Committee requested a report be presented on this matter.

We have contacted Hamilton Hydro with respect to the possibility of holding back service to customers wishing multiple meters to be installed on dwellings being converted from single family dwellings to multiple family dwellings. Hydro has advised us that they cannot refuse to give electrical service to anyone requesting such service and who is prepared to sign a contract.

It should be noted that multiple hydro meters are only a symptom of the illegal use of the property and are not proof of the existence of a multiple family dwelling. The Zoning By-law does not presently prohibit more than one electrical meter to such uses as a single family dwellings with three lodgers. If the City had the power to limit the number of hydro meters and if the Zoning By-law was to limit the use to one meter per single family dwelling this would still not prevent the conversion of single family dwellings to illegal uses.

cc Mr. A. L. Georgieff
Director of Local Planning

22.

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: May 7, 1990
COMM. FILE:
DEPT. FILE: ZA-90-17
Quinndale
Neighbourhood

FROM: J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT

Request for a change in zoning - property located at the rear of No. 1279 Upper Gage Avenue.

RECOMMENDATION

That approval be given to Zoning Application 90-17, Issac Johnson, owner, requesting a change in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District to permit two (2) small lot single-family detached dwellings on lands at the rear of No. 1279 Upper Gage Avenue, as shown on the attached plan marked as APPENDIX "A", on the following basis:

i) That the subject lands be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District;

ii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-49B and E-49C for presentation to City Council;

iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area;

iv) That the Quinndale Neighbourhood Plan be amended by redesignating the subject lands from "COMMERCIAL" to "SINGLE and DOUBLE" Residential.

EXPLANATORY NOTE

The purpose of this By-law is to provide for a change in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District, for property located at the rear of No. 1279 Upper Gage Avenue, as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to permit the creation of two (2) lots for small lot single-family detached dwellings fronting onto Queen Victoria Drive.

A.L. Georgieff, M.C.I.P.
Director of Local Planning

J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

- Current Proposal

  The purpose of the proposed change in zoning is to permit development of the subject lands for two (2) small lot single-family detached dwellings fronting onto Queen Victoria Drive.

- By-law 90-51

  On February 27, 1990, City Council passed By-law 90-51 which rezoned adjoining lands to the south from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District to permit three (3) small lot single-family detached dwelling lots.

- Land Severance Application

  On February 27, 1990 the Regional Land Division Committee approved Land Severance Application H-36-90 to convey a 10.67 m x 30.48 m parcel of land fronting onto Queen Victoria Drive for residential purposes, and to retain a 21.34 m x 95.54 m parcel of land fronting onto Upper Gage Avenue for residential purposes. A second severance application (H-37-90), involved the conveyance of an adjoining 10.67 m x 30.48 m parcel of land for residential purposes fronting onto Queen Victoria Drive and retention of a 21.34 m x 95.54 m parcel of land fronting onto Upper Gage Avenue. Approval of the applications is conditional upon, among other things:

  i) final approval of any necessary variance(s) from the requirements of the zoning By-law;

  ii) final approval of any necessary change of zoning/zoning amendment.

APPLICANT

Issac Johnson, owner.

LOT SIZE AND AREA

- 21.34 m (70.0 ft.) of lot width on Queen Victoria Drive;
- 30.48 m (100.0 ft.) of lot depth; and,
- 650.3 m^2 (7,000 sq.ft.) of lot area.

LAND USE AND ZONING

	Existing Land Use	Existing Zoning
Subject Lands	single-family dwelling	"AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District
Surrounding Lands		
to the north	vacant land, small lot single-family dwellings and townhouses	"AA" (Agricultural) District, "R-4" (Small Lot Single-family Detached) District, "RT-20" (Townhouse & Maisonette) District and "RT-30" (Street Townhouse) District
to the south	vacant	"R-4" (Small Lot Single-Family Detached) District
to the east	single-family dwellings and vacant land	"C" (Urban Protected Residential, etc.) District and "R-4" (Small Lot Single-Family Detached) District
to the west	single-family dwellings	"AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District

OFFICIAL PLAN

Designated "RESIDENTIAL" on Schedule "A" - Land Use Concept Plan of the Official Plan, and subject to, among others, the following policies:

"A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.

A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.

C.7.1 In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:

i) Provision and maintenance of adequate off-street parking, etc."

The proposal complies with the intent of the Official Plan.

NEIGHBOURHOOD PLAN

Designated "COMMERCIAL" on the approved Quinndale Neighbourhood Plan, the proposal does not comply. Approval of the application would require redesignation from "COMMERCIAL" to "SINGLE and DOUBLE" Residential.

COMMENTS RECEIVED

- The Traffic Department, Hamilton Region Conservation Authority and The Hamilton-Wentworth Regional Police Department have no comments of objections.

- The Building Department has advised that:

"1. The land is subject to a plan of subdivision.

2. The easterly portion of the remaining lands known as No. 1279 Upper Gage Avenue is located in an "AA" zoning district, which also requires a change in zoning or a variance for lot area from the Committee of Adjustment."

- The Hamilton-Wentworth Engineering Department has advised that:

  "...public watermains and separate storm and sanitary sewers are available to service the subject lands. The designated road allowance width of Upper Gage Avenue is 36.58 m (120.0 feet). In accordance with this designation the applicant should be advised of a future road widening sufficient to establish the property line 18.29 m (60 feet) from the centreline of Upper Gage Avenue. As a condition of both severance application approvals, the 0.3 m reserve shown as Part 14 on Reference Plan 62R 6257 must be lifted and all outstanding servicing costs be paid to the City/Region."

COMMENTS

1. The proposal complies with the intent of the Official Plan.

2. The proposal conflicts with the intent of the approved Quinndale Neighbourhood Plan which designates the subject lands "COMMERCIAL". Approval of the application would require redesignation of the subject lands to "SINGLE and DOUBLE" Residential.

3. The proposal has merit and can be supported for the following reasons:

   i) it implements the intent of the Official Plan;

   ii) it is compatible with existing and future planned development in the surrounding area;

   iii) similar applications to establish "R-4" (Small Lot Single-Family Detached) District zoning have been approved immediately to the south of the site (ZA-89-48), to the east on property across Queen Victoria Drive at Quaker Crescent (ZA-88-116), and on property on the west side of Queen Victoria Drive north of Loconder Drive (ZA-85-36); and

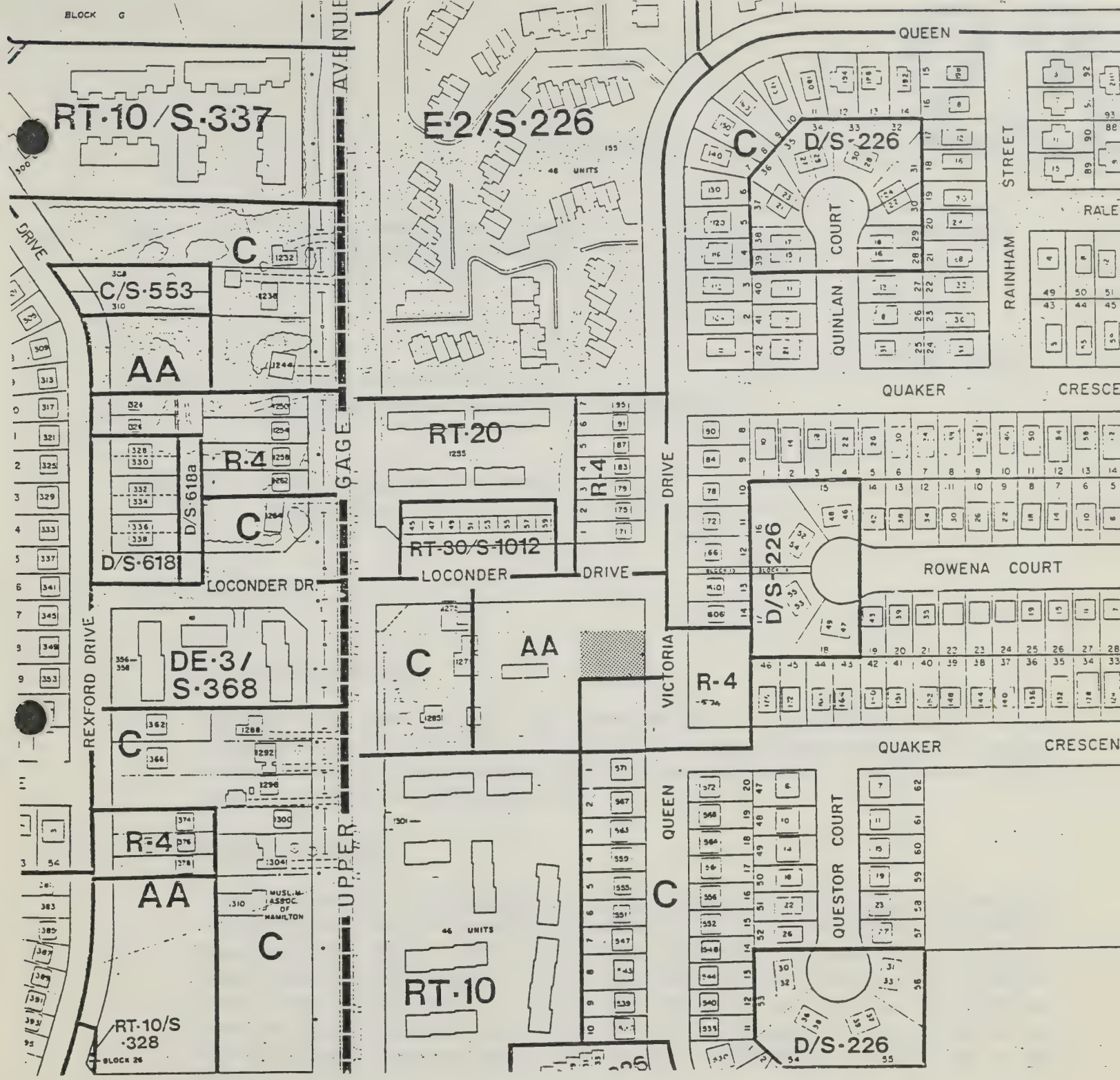
   iv) it implements the condition of rezoning imposed by the Regional Land Division Committee.

4. Under the requested "R-4" District regulations, the side yard that abuts another residential District must be of a width of not less than 1.2 m (3.94 ft.). In addition, the Building Department has advised that the easterly portion of the remaining lands known as 1279 Upper Gage Avenue does not satisfy the "AA" District lot area regulations. In this regard, as a condition of land severance approval a minor variance is required from the Committee of Adjustment.

CONCLUSION

On the basis of the foregoing, the application can be supported.

GW/ma
WPZA9017



Legend

Site of the Application

APPENDIX A

23.

FOR ACTION

TO:	**SUSAN K. REEDER, SECRETARY PLANNING AND DEVELOPMENT COMMITTEE**	**DATE:**	**May 15, 1990**
		COMM FILE:	
		DEPT FILE:	**ZA-89-104** **25T-89034** **Ryckmans Neighbourhood**

FROM: **J. D. THOMS, COMMISSIONER PLANNING AND DEVELOPMENT DEPARTMENT**

SUBJECT: **Proposed Rezoning Application**
Proposed Draft Plan of Subdivision (2nd Revision)

RECOMMENDATION:

1. **Official Plan Amendment**

That approval be given to Official Plan Amendment No. to redesignate Block "4" from "RESIDENTIAL" to "COMMERCIAL" and to extend the boundary of Special Policy Area 31, and that the City Solicitor be directed to prepare a By-law to amend the Official Plan for submission to the Regional Municipality of Hamilton-Wentworth.

2. **Rezoning Application**

That approval be given to Zoning Application 89-104, Carriage Gate Homes Ltd., owner, requesting changes in zoning from "AA" (Agricultural) District to "A" (Conservation, Open Space, Park and Recreation) District (Block "1"), "C" (Urban Protected Residential, etc.) District (Block "2"), "RT-30" (Street-Townhouse) District (Block "3"), "HH" (Restricted Community Shopping and Commercial District (Block "4"), and from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District (Block "5"), for the lands municipally known as No. 1441 Upper James Street, as shown on the attached map marked as APPENDIX "A", on the following basis:

i) That Block "1" be rezoned from "AA" (Agricultural) District to "A" (Conservation, Open Space, Park and Recreation) District;

ii) That Block "2" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;

iii) That Block "3" be rezoned from "AA" (Agricultural) District to "RT-30" (Street-Townhouse) District;

iv) That Block "4" be rezoned from "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial) District;

v) That Block "5" be rezoned from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District;

vi) That the "HH" (Restricted Community Shopping and Commercial) District regulations as contained in Section 14A of Zoning By-law No. 6593 applicable to the lands described as Blocks "4" and "5" be modified to include the following variances as special requirements:

a) That notwithstanding Section 14A(3)(a) a front yard of a depth of at least 24.0 m shall be provided;

b) That a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height shall be provided and maintained within a landscaped strip not less than 9.0 m wide along the easterly rear lot line of Block "4";

c) That a minimum 3.0 m wide landscaped area, excluding vehicular access, be provided and maintained adjacent to the Upper James Street road allowance;

vii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-9C be notated S- ;

viii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-9C for presentation to City Council;

ix) That the proposed changes in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon the approval of Amendment No. by the Regional Municipality of Hamilton-Wentworth;

x) That the Ryckmans Neighbourhood Plan be amended as follows:

a) By amending the approved road pattern accordingly;

b) By redesignating:

Block "1"	From:	"SINGLE and DOUBLE" Residential
	To:	"PARK and "RECREATIONAL"
Block "3"	From:	"LOW DENSITY APARTMENTS", "PARK and RECREATIONAL" and "SINGLE and DOUBLE" Residential
	To:	"ATTACHED HOUSING"
Block "4" (easterly portion)	From:	"LOW DENSITY APARTMENTS"
	To:	"COMMERCIAL and RETAIL WAREHOUSE"

EXPLANATORY NOTE

The purpose of this By-law is to provide for changes in zoning for property located at No. 1441 Upper James Street, as shown on the attached map marked as APPENDIX "A" on the following basis:

Block "1" - Change from "AA" (Agricultural) District to "A" (Conservation, Open Space, Park and Recreation) District.

Block "2" - Change from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District.

Block "3" - Change from "AA" (Agricultural) District to "RT-30" (Street-Townhouse) District.

Block "4" - Change from "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial) District.

Block "5" - Change from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District.

The effect of the By-law is to permit development of the subject lands for the following uses:

Block "1" - Park
Block "2" - Single-family dwellings
Block "3" - Street Townhouses
Blocks "4"- and "5" - Retail Commercial

In addition, the By-law provides for the following variances as special requirements:

- to require a minimum 24.0 m building setback from the front lot line;
- to require a minimum 3.0 m wide landscaped area, excluding vehicular access, to be provided and maintained adjacent to the Upper James Street road allowance;
- to require a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height to be provided and maintained within a 9.0 m wide landscaped strip along the easterly rear lot line of Block "4".

3. **Subdivision Application**

a) That approval be given to application 25T-89034, Carriage Gate Homes Ltd., owner, to establish a draft plan of subdivision on lands to the east of Upper James Street between Stone Church Road East and Rymal Road East, subject to the following conditions:

1. That approval apply to the plan prepared by A. J. Clarke and Associates Ltd., dated March 1, 1990, revised by the addition of 0.3 m reserves, the widening of Lots 20-23 inclusive and showing 45 lots and 8 blocks.

2. That Street "B" be established to its full width and all streets be dedicated as public highways on the final plan.

3. That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.

4. That the final plan conform with the Zoning by-law approved under The Planning Act.

5. That the owner convey 5% of the land included in the plan to the City of Hamilton for park purposes pursuant to The Planning Act.

6. That such easements as are required for utility and drainage purposes be granted to the appropriate authority.

7. That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block in the final plan.

8. That any dead-ends or open sides of the road allowances created by the plan be terminated in 0.3 m reserves to be conveyed to the City of Hamilton and be held by the City until required for the future extension of the road allowances or development of abutting lands.

9. That Blocks "47" to "53" inclusive be developed only in conjunction with abutting lands.

10. That the owner shall erect a sign in accordance with Section XI of the subsequent Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.

11. That the owner agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.

b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (25T-89034) Carriage Gate Homes, Ltd., owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

A. L. Georgieff, M.C.I.P.
Director - Local Planning

FINANCIAL IMPLICATIONS:

The City of Hamilton will have to open the extension of Street "A" from the north limit of the proposed subdivision to Stone Church Road in order to provide access to the lands.

BACKGROUND:

Owner: Carriage Gate Homes Ltd., Hamilton, Ontario

Surveyor: A. J. Clarke and Associates Ltd., Hamilton, Ontario

Location: The lands, comprising 2.22 ha (subdivision), 3.63 ha (rezoning), are located on the east side of Upper James Street between Stone Church Road East and Rymal Road East in the Ryckmans Neighbourhood, City of Hamilton.

LAND USE AND ZONING

	Existing Land Use	Existing Zoning
Subject Lands	vacant	"C" (Urban Protected Residential, etc.) District and "AA" (Agricultural) District
Surrounding Lands		
to the north	single-family dwellings, vacant lands and City-owned parklands	"HH" (Restricted Community Shopping and Commercial) District modified and "AA" (Agricultural) District
to the south	single-family dwellings and vacant lands	"C" (Urban Protected Residential, etc.) District and "AA" (Agricultural) District
to the east	vacant lands	"C" (Urban Protected Residential, etc.) District
to the west	single-family dwellings and a converted dwelling containing a medical office	"C" (Urban Protected Residential, etc.) District

PROPOSAL - ZONING

The owner proposes to rezone the lands from "AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District, to "A" (Conservation, Open Space, Park and Recreation) District, "C" (Urban Protected Residential, etc.) District, "RT-30" (Street Townhouse) District and "HH" (Restricted Community Shopping and Commercial) District.

PROPOSAL - SUBDIVISION

The owner proposes to subdivide the lands into 2 lots for single-family dwellings, 6 lots for small lot single-family dwellings, 37 lots for street townhouse dwellings, one block (Block "46") for parkland and 7 blocks (Blocks "47" to "53" inclusive) for future development with adjacent lands.

EXISTING DEVELOPMENT CONTROLS

Hamilton-Wentworth Official Plan

The lands are identified as "Residential and Related Uses" within the "Urban Policy Areas" The proposal complies.

City of Hamilton Official Plan

The subject lands are designated "COMMERCIAL" and "RESIDENTIAL" on Schedule "A" - Land Use Concept Plan of the Official Plan.

In addition, the commercially designated lands are included in "Special Policy Area '31'" and "31b" which provide for retail/warehouse uses.

As the depth of the commercial site (Blocks "4" and "5") exceeds the depth for commercial development shown on Schedule "A", and since the commercial extension of Block "4" cannot be considered a minor extension in accordance with Policy D.8.2 of the Official Plan, redesignation of the rear portion of Block "4" from "RESIDENTIAL" to "COMMERCIAL" would be required. In addition, "Special Policy Area '31'" should be amended to include the rear portion of Block "4".

Neighbourhood Plan

The proposal does not fully comply with the intent of the Ryckmans Neighbourhood Plan. The proposal will require the following changes to the approved Neighbourhood Plan:

a) Necessary changes to the approved road pattern;

b) By redesignating:

   a) By amending the approved road pattern accordingly;

   b) By redesignating:

      Block "1" From: "SINGLE and DOUBLE" Residential
      To: "PARK and "RECREATIONAL"

Block "3"	From:	"LOW DENSITY APARTMENTS", "PARK and RECREATIONAL" and "SINGLE and DOUBLE" Residential
	To:	"ATTACHED HOUSING"
Block "4" (easterly portion)	From:	"LOW DENSITY APARTMENTS"
	To:	"COMMERCIAL and RETAIL WAREHOUSE"

Zoning

The noted changes shown on Appendix "A" are required to permit the proposed development.

Niagara Escarpment

The lands are not within the "Development Control Area", therefore, the regulations do not apply.

COMMENTS FROM CIRCULATION

1. Zoning Application

   o The following agencies have no comments or objections:

   - Building Department;
   - Hamilton Region Conservation Authority;
   - Hamilton-Wentworth Regional Police Department.

   o To date comments have not been received from the following:

   - Hamilton-Wentworth Engineering Department;
   - Traffic Department.

2. Subdivision Application

   The following agencies have advised that they have no comment or objection toward the proposal:

   o Ministry of Transportation;
   o Ministry of the Environment;
   o Ministry of Natural Resources;
   o Ministry of Culture and Communications (subject to standard archaeological condition);
   o Hamilton Region Conservation Authority;
   o Ontario Hydro, Union Gas, Bell Telephone;
   o City of Hamilton Board of Education;
   o City Building Department (subject to rezoning).

The Hamilton-Wentworth Department of Engineering has submitted the following comments and recommendations (1st revision):

"FOR INFORMATION:

1. Public watermains are available on Upper James Street to service Block "49".

2. Public storm and sanitary sewers are scheduled for construction on Upper James Street early in 1990, to service Block "49".

3. The proposed entrance layout and grades for Block "49" on Upper James Street are to be reviewed by this Department prior to issuance of an Entrance Permit.

4. The installation of municipal services (water, roadways, storm and sanitary sewers) for the remainder of the proposed development is dependent on the servicing of lands to the north of this development.

5. It is not expected that the Region will cost share in this development.

6. The majority of this subdivision can only be developed if street "A" is established in the lands owned by the City. It is desirable to establish and service this street in conjunction with this plan, because not only will it service this subdivision, but it will also facilitate future developments to the south. The details of the servicing and the financing can be dealt with through the subdivision process and in accordance with established policies. However, it is desirable at this stage to have City Council agree that the street should be opened now.

7. The ultimate width of the road Allowance on Upper James Street between Stone Church and Rymal Road is to be widened to 36.58 m. The final pavement width on Upper James will contain 6 lanes and a common turning median.

RECOMMENDATIONS:

1. That all lots and blocks, except Block "49", not be registered until the construction of services on Street "A" north of this subdivision has been approved.

2. That the Transport and Environment Committee be requested to open, by By-law, Street "A" from the north limit of this plan to Stone Church Road.

3. That 0.3 metre reserves are to be established at the dead ends and any open sides of the road allowance.

4. That the owner must dedicate a 3.048 m road widening along the front of Block "49", on Upper James Street, to the Region in order to achieve a 36.58 m road allowance.

5. That the owner must enter into a Subdivision Agreement with both the City and Region prior to the development of any portion of these lands.

The submitted Revised Plan as prepared by A. J. Clarke, O.L.S., and dated November 29, 1989 is satisfactory to the Department of Engineering, subject to the above-noted comments and recommendations."

The City Traffic Department and the Hamilton-Wentworth Separate School Board have not responded to date.

COMMENTS

1. The proposal does not fully comply with the intent of the Official Plan. In this regard, it will be necessary to redesignate the easterly portion of Block "4" from "RESIDENTIAL" to "COMMERCIAL". In addition, "Special Policy Area 31" should be amended to include the easterly portion of Block "4".

2. The proposal has merit and can be supported for the following reasons:

   - it would be compatible with future intended residential and commercial development in the surrounding area;

   - it will allow for comprehensive development of the subject lands and adjoining lands for their intended use;

   - it has frontage to a major arterial road (Upper James Street) where commercial development in accordance with the "Urban Design Guidelines - Upper James Street Corridor" is encouraged to locate;

   - it is readily accessible to public transit along Upper James Street.

3. Part of the subject lands are located within the area subject to the "Urban Design Guidelines - Upper James Street Corridor". Accordingly, the development should satisfy the following applicable requirements:

   - a landscaped strip at least 3.0 m (10.0 ft.) wide, excluding any vehicular access, be provided and maintained adjacent to the Upper James Street road allowance;

   - a 21.34 m (70.0 ft.) wide front service road shall be located next to the landscaped strip;

   - retail/warehouse establishment shall be located 24.39 m (80.0 ft.) from the front lot line.

   In addition, a 1.2 m high to 2.0 m high visual barrier should be provided and maintained within a 9.0 m (30.0 ft) wide landscaped strip along the easterly rear lot line of Block "4" to mitigate impacts on the adjoining residential lands.

4. The requested "HH" (Restricted Community Shopping and Commercial) District zoning would be appropriate for the type of development proposed, as it is consistent with zoning approved for other sites along both sides of Upper James Street between Stone Church Road and Rymal Road. The amending by-law will incorporate the applicable Urban Design Guidelines requirements for the Upper James Street Corridor. The requested zoning for the remaining development ("A", "C" and "RT-30") would be appropriate for the open space and residential uses proposed.

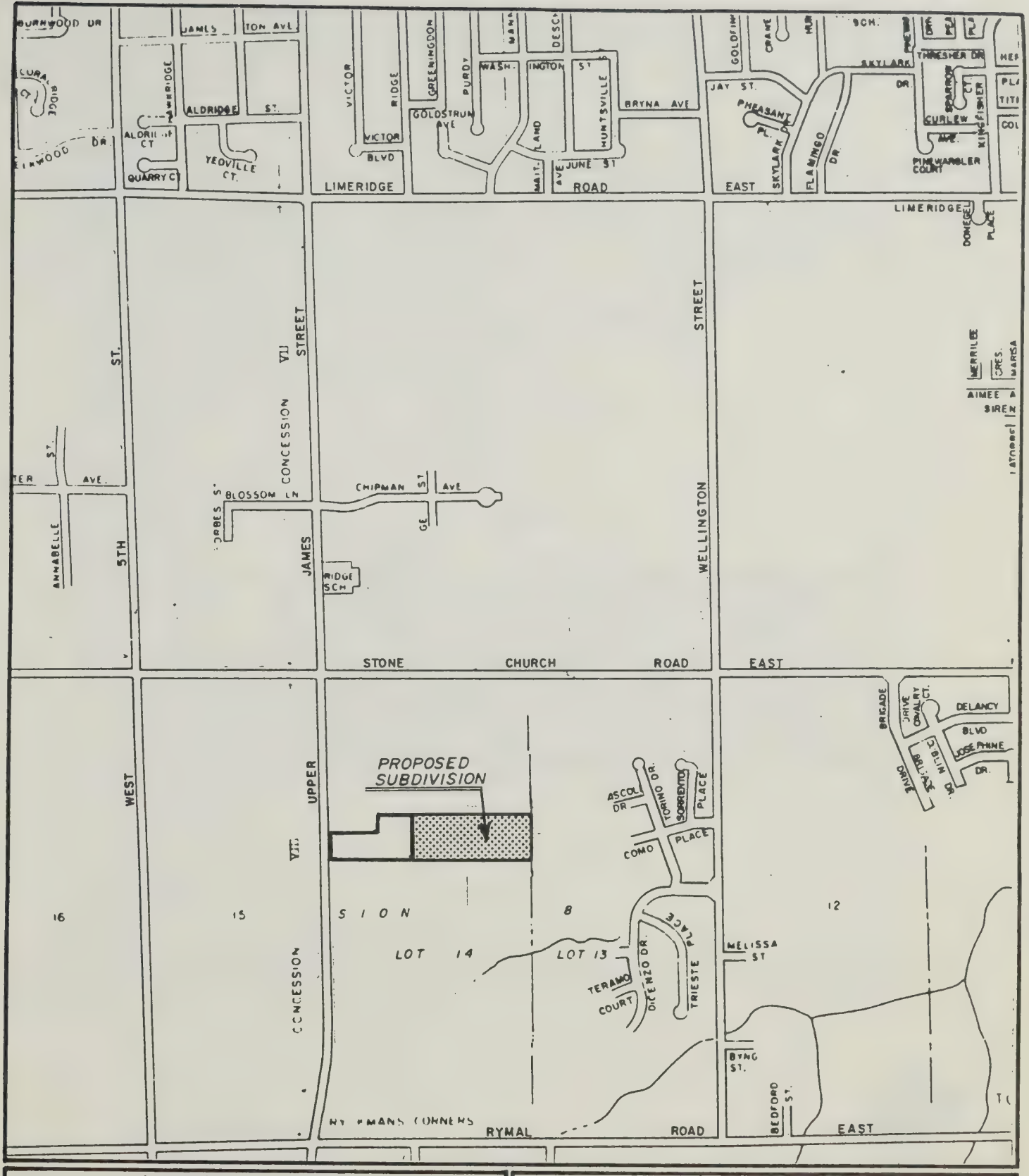
   Development of the "HH" and "RT-30" lands would be subject to the provisions of Site Plan Control By-law 79-275 as amended by By-law 87-223. Matters such as road widenings, parking, loading, access, landscaping, fencing, grading, etc. including the Urban Design Guidelines, will be further reviewed at the site plan approval stage of development.

5. Block "46" abuts lands presently owned by the City of Hamilton and used for park purposes, therefore, as this block represents approximately 5% of the lands in the plan, it should be conveyed to the City of Hamilton, as the parkland requirement for this subdivision.

6. The requirement of the Ministry of Culture and Communications can be implemented through the conditions of draft approval to be established by the Commissioner of Planning and Development.

7. It is noted that the development cannot proceed until such time as a road is constructed across the City-owned parklands northerly, to connect to Stone Church Road East.

CMD/jd
8934



Location Plan For

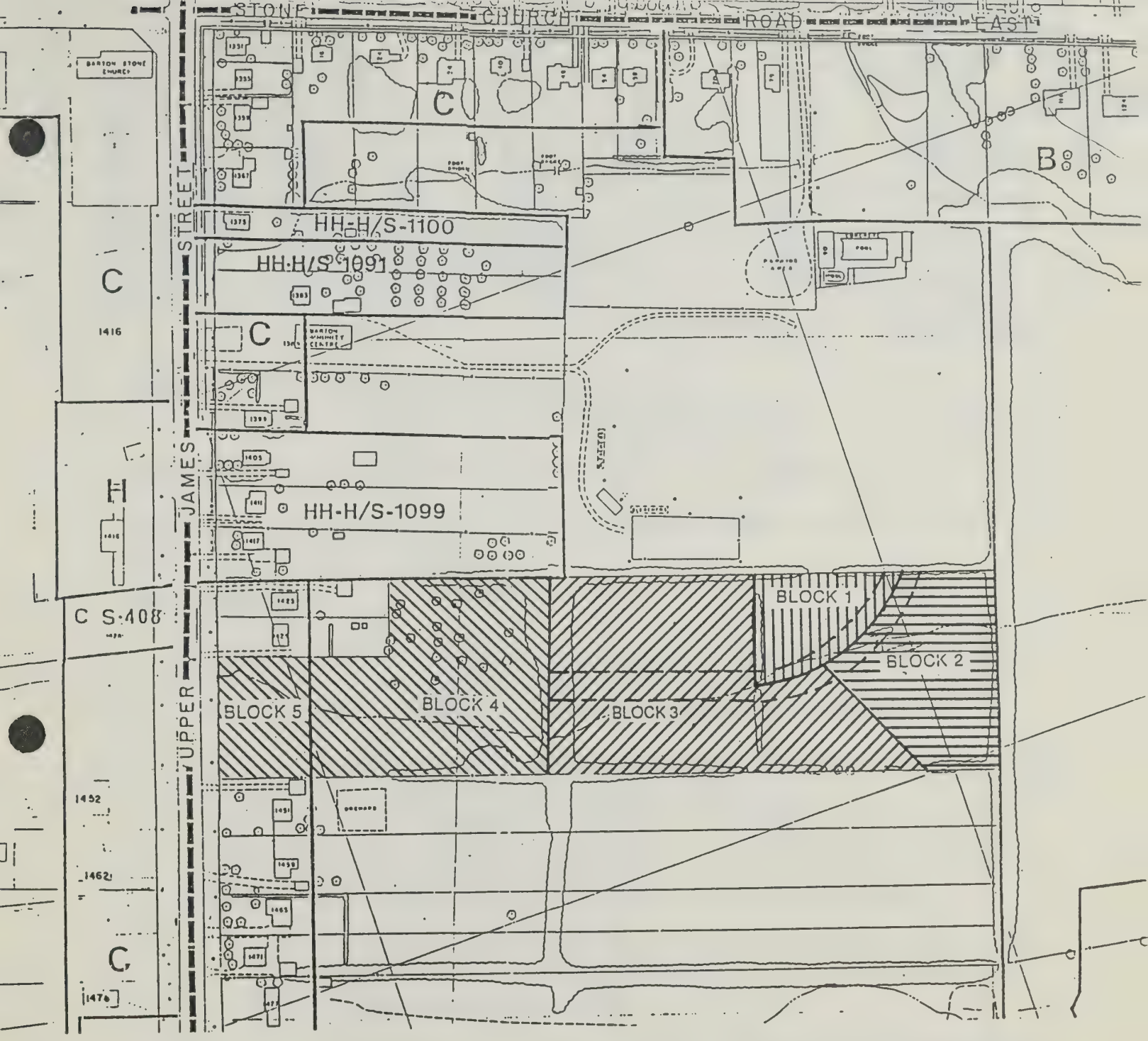
COVENTRY GARDENS

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

PROPOSED SUBDIVISION

North	Scale	Reference File No.
	N. T. S.	25T-89034
	Date	Drawing No.
	OCT. 18, 1989	



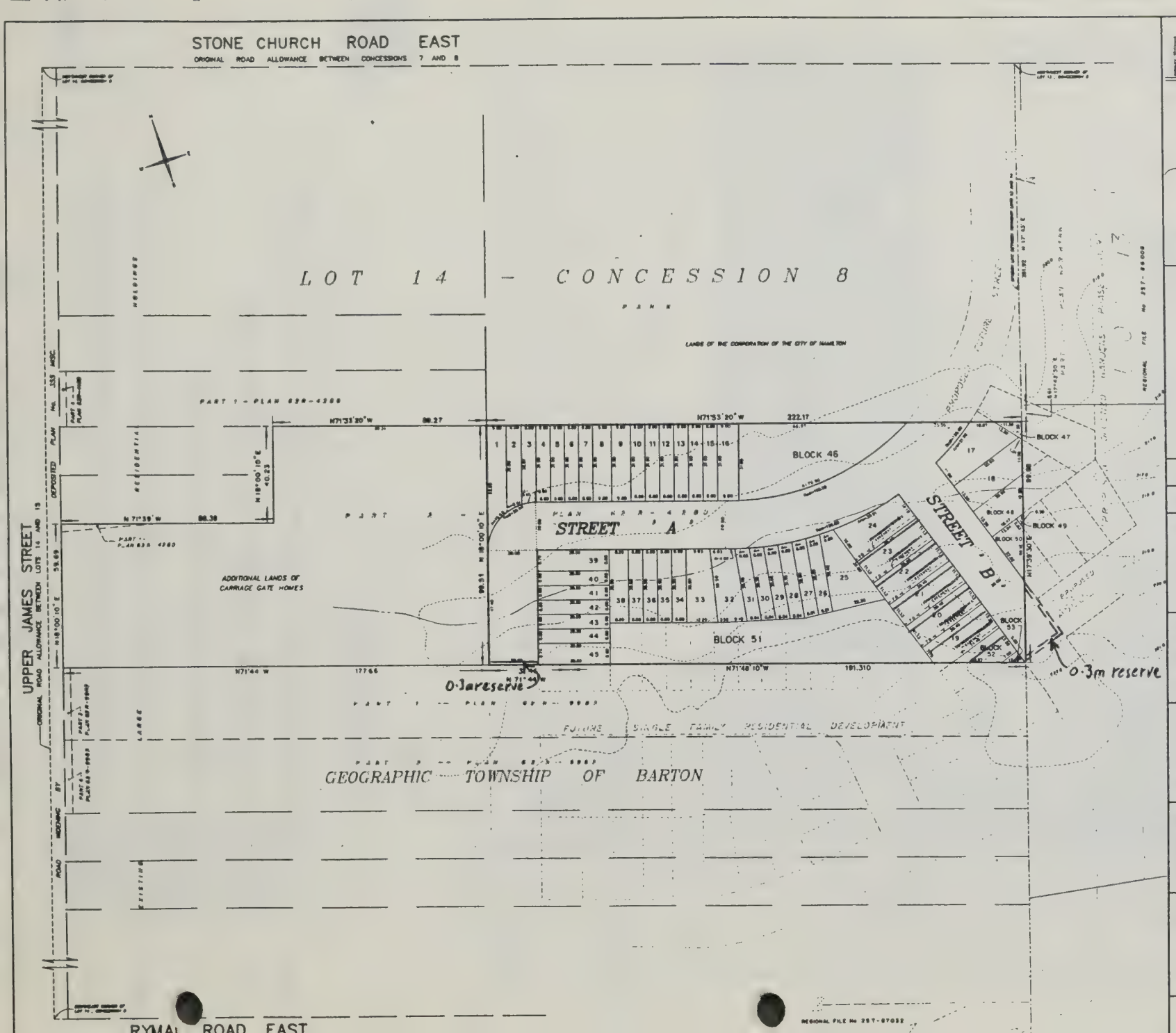
Legend

Proposed change in zoning from:

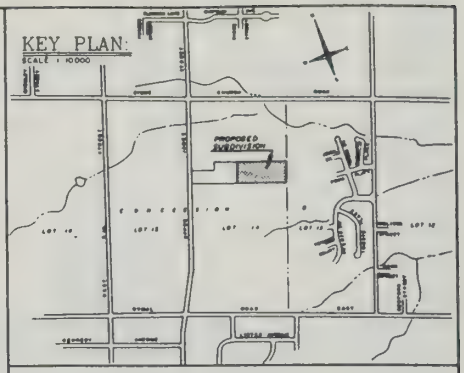
ZA89-104

BLOCK 1	▨	"AA" (Agricultural) District to "A" (Conservation,Open Space,Park and Recreation) District.
BLOCK 2	▨	"AA" (Agricultural) District to "C" (Urban Protected Residential,etc.) District
BLOCK 3	▨	"AA" (Agricultural) District to "RT-30" (Street-Townhouse) District.
BLOCK 4	▨	"AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial) District.
BLOCK 5	▨	"C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District.

APPENDIX A



KEY PLAN:
SCALE 1:10000



DRAFT PLAN OF :

Coventry Gardens

BEING A PROPOSED SUBDIVISION OF
PART OF LOT 14 — CONCESSION 8
GEOGRAPHIC TOWNSHIP OF BARTON
NOW IN THE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
SCALE 1:750
0 5 10 20 30 metres

A. J. CLARKE O.L.S
1988

NOTE: THIS IS A DRAFT PLAN AND IS SUBJECT TO REVISION AND AMENDMENT.

METRIC: DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048 .

RE: CHAPTER ONE-R.S.O.-1983 SECTION 50(4) THE PLANNING ACT

A. SHOWN ON THE PLAN	G. SHOWN ON THE PLAN
B. SHOWN ON THE PLAN	H. MUNICIPAL PIPED WATER AVAILABLE
C. SHOWN ON THE PLAN	I. CLAY LOAM
D. SEE LAND USE SCHEDULE	J. SHOWN ON PLAN
E. SHOWN ON PLAN	K. MUNICIPAL SERVICES TO BE INSTALLED BY THE SUBDIVIDER
F. SHOWN ON THE PLAN	L. NONE

SURVEYOR'S CERTIFICATE:

I, CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN

SEPTEMBER 27, 1988
DATE
REVISED MARCH 1, 1990

A.J. CLARKE
ONTARIO LAND SURVEYOR

OWNER'S AUTHORIZATION:

WE, CARRIAGE GATE HOMES LTD. BEING THE REGISTERED OWNERS OF THE SUBJECT LANDS HEREBY AUTHORIZE A.J. CLARKE AND ASSOCIATES TO PREPARE AND SUBMIT THIS DRAFT PLAN TO THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH FOR THEIR APPROVAL.

SEPTEMBER 27, 1988
DATE

DOMINIC CARNICELLI
VICE PRESIDENT

LAND USE SCHEDULE:

TOTAL AREA OF SUBDIVISION 2.22 ha (5.49 acres)
LOTS 1 TO 16 AND 25 TO 45 STREET TOWNHOUSING (UT-SINT-30)
LOTS 17 AND 18 SINGLE FAMILY LOTS (C - ZONING)
LOTS 19 TO 24 SWELL SINGLE FAMILY LOTS (R - 4)
BLOCKS 47, 48 AND 50 TO BE DEVELOPED IN CONJUCTION WITH ADJACENT LANDS (C - ZONING)
BLOCK 51 TO BE DEVELOPED IN CONJUCTION WITH ADJACENT LANDS (R-2 ZONING)
BLOCK 46 1.1ha BLOCK (0.16 ha)

SUBDIVISION: DRAFT APPROVAL

SUBJECT TO THE CONDITIONS, IF ANY, SET FORTH IN OUR LETTER DATED _____ 19__ THIS DRAFT PLAN IS APPROVED UNDER SECTION 50 OF THE PLANNING ACT THIS ____ DAY OF _____ 19__

COMMISSIONER OF PLANNING AND DEVELOPMENT
REGIONAL MUNICIPALITY OF HAMILTON WENTWORTH
AUTHORIZED BY BY-LAW R-88-171

A. J. Clarke and Associates Ltd.
ONTARIO LAND SURVEYORS — CONSULTING ENGINEERS

24.

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: May 11, 1990
COMM. FILE:
DEPT. FILE: ZA-90-22
Rymal
Neighbourhood

FROM: J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT

Request for a change in zoning - lands on the east side of Upper Ottawa Street in the area south of Stone Church Road East.

RECOMMENDATION

1. That approval be given to Official Plan Amendment No. to establish a Special Policy Area to permit a limited number of commercial uses, and the City Solicitor be directed to prepare a By-law of adoption for submission to the Regional Municipality of Hamilton-Wentworth.

2. That approval be given to amended Zoning Application 90-22, Taba Developments Ltd. (J. Frisch, A. Ishaky, and S. Mukamal), owners, requesting a modification to the "M-12" (Prestige Industrial) District to permit a mall containing home improvement retail commercial uses (e.g. furniture stores, hardware store, etc.) and offices including a community medical centre, for property located on the east side of Upper Ottawa Street in the area south of Stone Church Road East, as shown on the attached map marked as APPENDIX "A", on the following basis:

   i) That the "M-12" (Prestige Industrial) District regulations as contained in Section 17D of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variance as a special provision:

      a) That notwithstanding Section 17D(1)(b) of Zoning By-law No. 6593, the following Commercial uses shall be permitted:

S.I.C Identification Number	Permitted Use
6211	Household Furniture Store with Appliances
6212	Household Furniture Store without Appliances and Furnishings

6213	Furniture Refinishing and Repair Shop
6221	Appliance, Television, Radio and Stereo Store
6222	Television, Radio and Stereo Store
6223	Appliance, Television, Radio and Stereo Repair Shop
6231	Floor Covering Store
6232	Drapery Store
6239	Other Household Furnishings Store
6531	Hardware Store
6532	Paint, Glass and Wallpaper Store
6599	Other Retail Store, n.e.c., restricted to: (1) Picture framing, retail; (2) Saunas, etc., retail
7611	Insurance and Real Estate Agency
7731	Office of Chartered and Certified Accountant
7739	Other Accounting and Bookkeeping Office
7761	Law Office
7771	Management Consulting Service
8635	Public Health Clinics/Community Health Centres

ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Maps E-59C and E-59D be notated S- ;

iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-59C and E-59D for presentation to City Council;

iv) That the proposed modification in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon the approval of Official Plan Amendment No. by the Regional Municipality of Hamilton-Wentworth; and,

v) That the approved Mountain Industrial Area Plan be amended by redesignating the subject lands from "RESTRICTED INDUSTRIAL" to "RESTRICTED COMMERCIAL".

3. That the amending By-law not be forwarded for passage by City Council until such time as the access grades for driveways to Upper Ottawa Street have been resolved to the satisfaction of the Commissioner of Regional Engineering.

EXPLANATORY NOTE

The purpose of the By-law is to provide for a modification to the established "M-12" (Prestige Industrial) District regulations for property located on the east side of Upper Ottawa Street in the area south of Stone Church Road East, as shown on the attached key map.

The effect of the By-law is to permit, in addition to the uses allowed under the "M-12" (Prestige Industrial) District, the following uses:

- a household furniture store (without appliances and furnishings);
- a household furniture store (with appliances and furnishings);
- a furniture refinishing and repair shop;
- an appliance, television, radio and stereo store;
- a television, radio, and stereo store;
- an appliance, television, radio and stereo repair shop;
- a floor covering store;
- a drapery store;
- a store selling other household furnishings;
- a hardware store;
- a paint, glass, and wallpaper store;
- a picture framing store;
- a sauna store;
- an insurance and real estate agency;
- a chartered accountant's office;
- other accounting offices;
- a law office;
- a management consulting office; and,
- a community medical centre.

A.L. Georgieff, M.C.I.P.
Director of Local Planning

J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

o Proposal

It is the applicant's intention to construct a mall containing a home design centre and offices on the subject property.

o DA-88-86

On January 5, 1989, the applicant signed a development agreement with the City of Hamilton. The agreement was concerning the development of the northern portion of the subject lands for an industrial commercial development consisting of two buildings with a gross floor area of 4682.1 m^2 (50,400 square feet).

o By-law No. 89-205

At its meeting of June 27, 1989, City Council passed this By-law to implement a modification in zoning for property located at Nos. 1120 and 1150 Stone Church Road East. The purpose of the By-law is to permit development of the subject lands as a home design centre. The By-law has been appealed to the Ontario Municipal Board.

APPLICANT

Taba Developments Ltd. (J. Frisch, A. Ishaky, and S. Mukamal), owners.

LOT SIZE AND AREA

The subject property has:

o 236.99 m (777.53 feet) of lot frontage on Upper Ottawa Street;

- 86.26 m (283 feet) of lot depth; and,
- 2.04 ha (5.0 acres) of lot area.

LAND USE AND ZONING

	Existing Land Use	Existing Zoning
Subject Lands	vacant	"M-12" (Prestige Industrial) District
Surrounding Lands		
to the north	plaza	"M-11" (Prestige Industrial) District
to the south	vacant	"M-12" (Prestige Industrial) District
to the west	townhouses	"RT-20" (Townhouse - Maisonette) District
to the east	vacant and industrial	"M-14" (Prestige Industrial) District

OFFICIAL PLAN

Designated "INDUSTRIAL" on Schedule "A" - Land Use Concept, the subject lands are also in Special Policy Area 11 and the following policies are applicable:

"A.2.3.1 The primary uses permitted in the areas designated on Schedule 'A' as INDUSTRIAL will be for Industry. In this regard, Industry is defined as manufacturing, processing, warehousing, repair, and servicing. In addition to the primary permitted uses, the following uses may be permitted within INDUSTRIAL areas:

i) Uses that are incidental to INDUSTRIAL operations such as retail and wholesale enterprises which are operated as subsidiary functions of an INDUSTRIAL establishment;

ii) Business enterprises such as, but not limited to, banks, restaurants, garages, material suppliers, etc. which are intended to directly serve the Industries and their personnel, etc.

A.2.3.13 The LIGHT INDUSTRIAL category applies to those Industrial Uses that have a minimal impact on surrounding land uses and, as set out in Subsection A.2.9.3, are shown on Schedule 'B' as Special Policy Area 11. Generally, LIGHT INDUSTRIAL USES will be encouraged to concentrate in a designed community-like precinct such as the East Mountain Industrial Park."

The requested commercial uses are not considered to be incidental to industry nor do they directly serve the needs of industry. Therefore, the proposal does not comply with the intent of the Official Plan and an Official Plan Amendment, to establish a Special Policy Area, is required.

NEIGHBOURHOOD PLAN

Designated "RESTRICTED INDUSTRIAL" on the approved Mountain Industrial Area Plan, the proposal does not comply. Approval of the application would require a redesignation to "RESTRICTED COMMERCIAL".

COMMENTS RECEIVED

- The following agencies have no comment or objection:

  - Hamilton Region Conservation Authority;
  - Hamilton-Wentworth Economic Development Department; and,
  - Traffic Department.

- The Real Estate Department has advised that:

  "We wish to advise that the uses proposed for the rezoning are too commercialized for the M-12. The proposed uses are more suited for the M-11 districts.

  In view of recent amendments accepted by the Planning and Development Committee, you may wish to allow some of the uses.

  I have no objection to allowing some office uses i.e. business, medical..."

- The Building Department has advised that:

  "1. This property is known as 1423 - 1447 Upper Ottawa Street.

  2. The application indicates that 15 Unsworth Drive is the land affected which appears to be incorrect.

1) Item 18, Pet Food Store, is identified under S.I.C. #6596, Pet Store,

2) Item 24, should be 7771, Management Consulting Service.

3) S.I.C. #9212, Restaurant, unlicensed and 9213, Take-Out Food Services, should also be considered in Item 25.

4) Item 29, Laundromat, is identified under S.I.C. #9723, Self-Serve Laundries and/or Dry Cleaners.

5) Items 31 and 32 are classified under "Public Uses".

6) Item 33, a retail variety store, is identified under S.I.C. #6413, Other General Merchandise Stores.

7) Item 34, a business or professional persons office n.e.c., is identified under S.I.C. #7799, Other Business Service which is a permitted use in the M-12 District.

8) Further to our conversation of May 4, 1990, Items 35 and 36 shall be under S.I.C. #8635, Public Health Clinic, Community Health Clinic.

9) Item 37, a retail store selling flowers, plants and like goods sold or offered for sale by a florist, is identified under S.I.C. #6521, Florist Shops.

10) Item 38, a travel agency, is identified under S.I.C. #9961, Ticket and Travel Agency."

o The Hamilton-Wentworth Engineering Department has advised that:

"The designated road allowance width of Upper Ottawa Street is 30.48 m (100 feet). The Region previously acquired the road widenings on Upper Ottawa Street. Therefore we do not anticipate any further road allowance widenings at this time.

Development details of the site were dealt with through previous site plans. As the applicant/owner has been made aware, the access grades for driveways to Upper Ottawa Street do not conform to the approved grading plan and the driveway grade is well in excess of our maximum permitted 5% for the first 7.5 m (25 feet). The owner has not taken any remedial action to date nor has he responded to our correspondence. It is our opinion that the access grades are extremely substandard under existing conditions and the Region may consider closing the accesses to Upper Ottawa Street should the owner not take the remedial action required. We cannot support any further commercial/office uses on these lands which increase the traffic generation until the accesses have been revised to the satisfaction of the Commissioner of Regional Engineering. We recommend that this application be denied at this time for these reasons.

The applicant should be advised that additional accesses to the southern limits of the property to Upper Ottawa Street may not be permitted unless the applicant/owner makes significant changes to the grade to conform to our standards. At present the lands are well below the elevation of Upper Ottawa Street."

COMMENTS

1. The proposal does not comply with the intent of the Official Plan. Approval of the application would require an Official Plan Amendment to establish a Special Policy Area to allow certain commercial uses.

2. The proposal does not comply with the intent of the approved Mountain Industrial Area Neighbourhood Plan. Approval of the application would require a redesignation to "RESTRICTED COMMERCIAL".

3. The proposal has merit and can be supported for the following reasons:

   i) it is suitably located on a major road (Upper Ottawa Street);

   ii) the combination of the proposed uses will provide a comprehensive development of the subject lands;

   iii) the proposal would be compatible with the existing and future proposed development in the area.

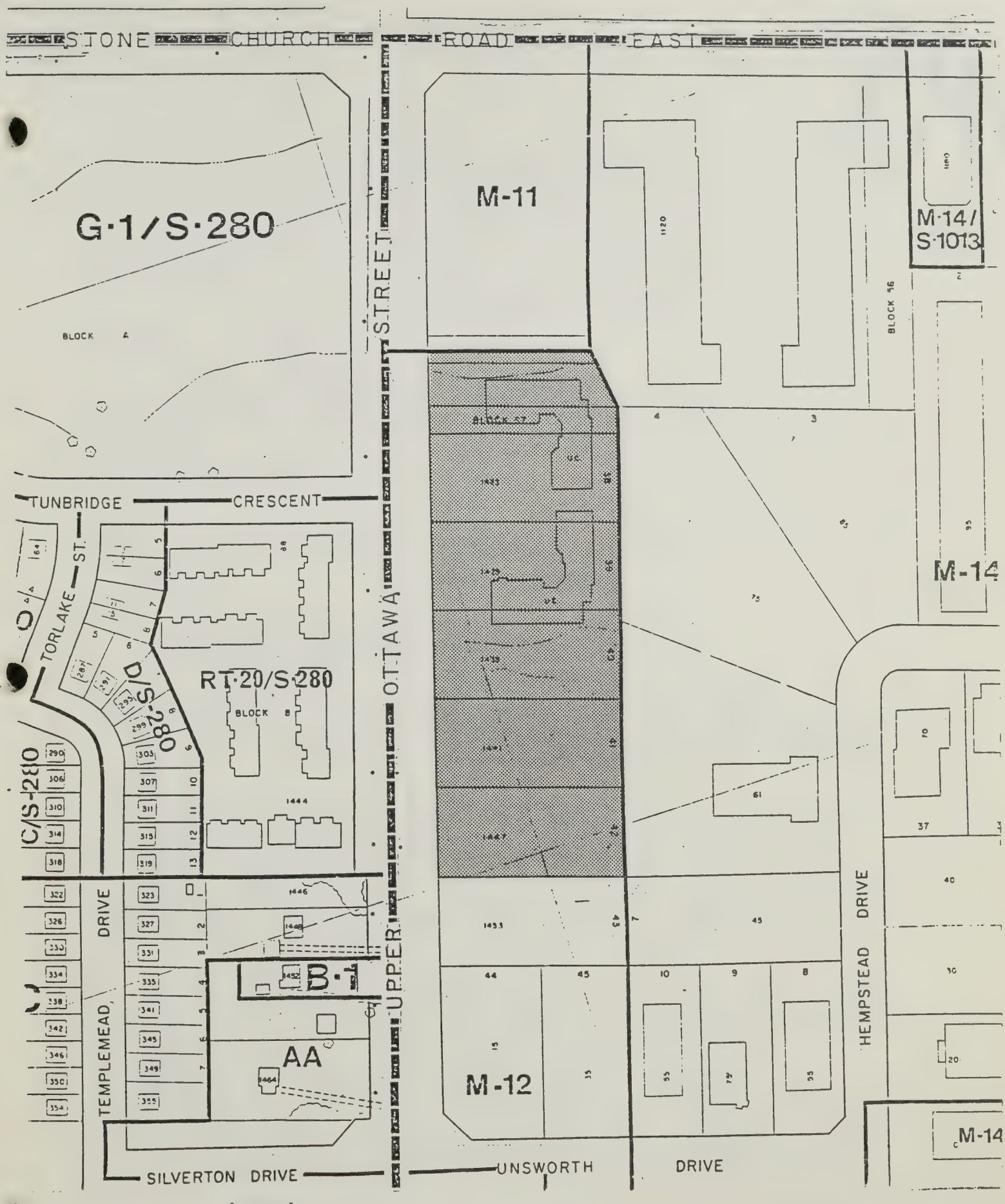
4. Given the concerns regarding the existing access grades for driveways to Upper Ottawa Street as expressed by the Hamilton-Wentworth Engineering Department, it would be appropriate to hold the By-law in abeyance until the matter is resolved to the satisfaction of the Commissioner of Regional Engineering.

5. The "M-12" (Prestige Industrial) District is subject to Site Plan Control By-law No. 79-275, as amended by By-law No. 87-223. Since there is an existing development agreement on the northern portion of the lands, an additional agreement is necessary for the southern portion of the lands. Matters such as landscaping, access, and parking will be addressed at that stage of development.

CONCLUSION

Based on the foregoing, the application can be supported.

MLT/ma
WPZA9022



Legend

Site of the Application

ZA 90-22

APPENDIX A

24a

FRASER&BEATTY
Barristers and Solicitors

ANTHONY G. DiCENZO
Direct Line (416) 250-3042

May 15, 1990

BY FAX
(original by overnight courier)

The Planning and Development Committee
The Corporation of the City of Hamilton
City Hall
71 Main Street West
Hamilton, Ontario
L8N 3T4

Attn: Susan K. Reeder

Dear Sirs:

RE: APPLICATION ZA-90-20
TABA DEVELOPMENTS LTD.

Further to our conversation yesterday with Diane McGuire, we confirm that we act for 874289 Ontario Inc., the registered owner of the property municipally known as 1070 Stone Church Road East in the City of Hamilton, outlined in red on the enclosed sketch.

Please treat this letter as our formal opposition to the above-captioned application by Taba Developments Ltd. for modification of the "M-12" zoning designation for the lands located on the east side of Upper Ottawa Street in the area south of Stone Church Road East, as shown on the map enclosed in your telefaxed transmission of yesterday. We will attend at the Public Meeting held in respect of the subject application on Wednesday, May 23, 1990, to further specify the nature of our opposition.

We wish to take this opportunity to note that neither our client, nor DiCenzo Construction Company Limited, the registered owner of the condominium units outlined in blue on the attached sketch, received notice of the subject application or of the aforementioned public meeting. It was our understanding, confirmed by Ms. McGuire, that both 874289 Ontario Inc. and DiCenzo Construction Company Limited were entitled to notice given their proximity to the subject location. Indeed, if the application was approved, they would be the most prejudicely affected by such approval. We would appreciate a response from

you prior to the subject public meeting as to why notice was not delivered as required. We also reserve our client's right to challenge the jurisdiction of the Committee to hear the subject application in the absence of proper notice.

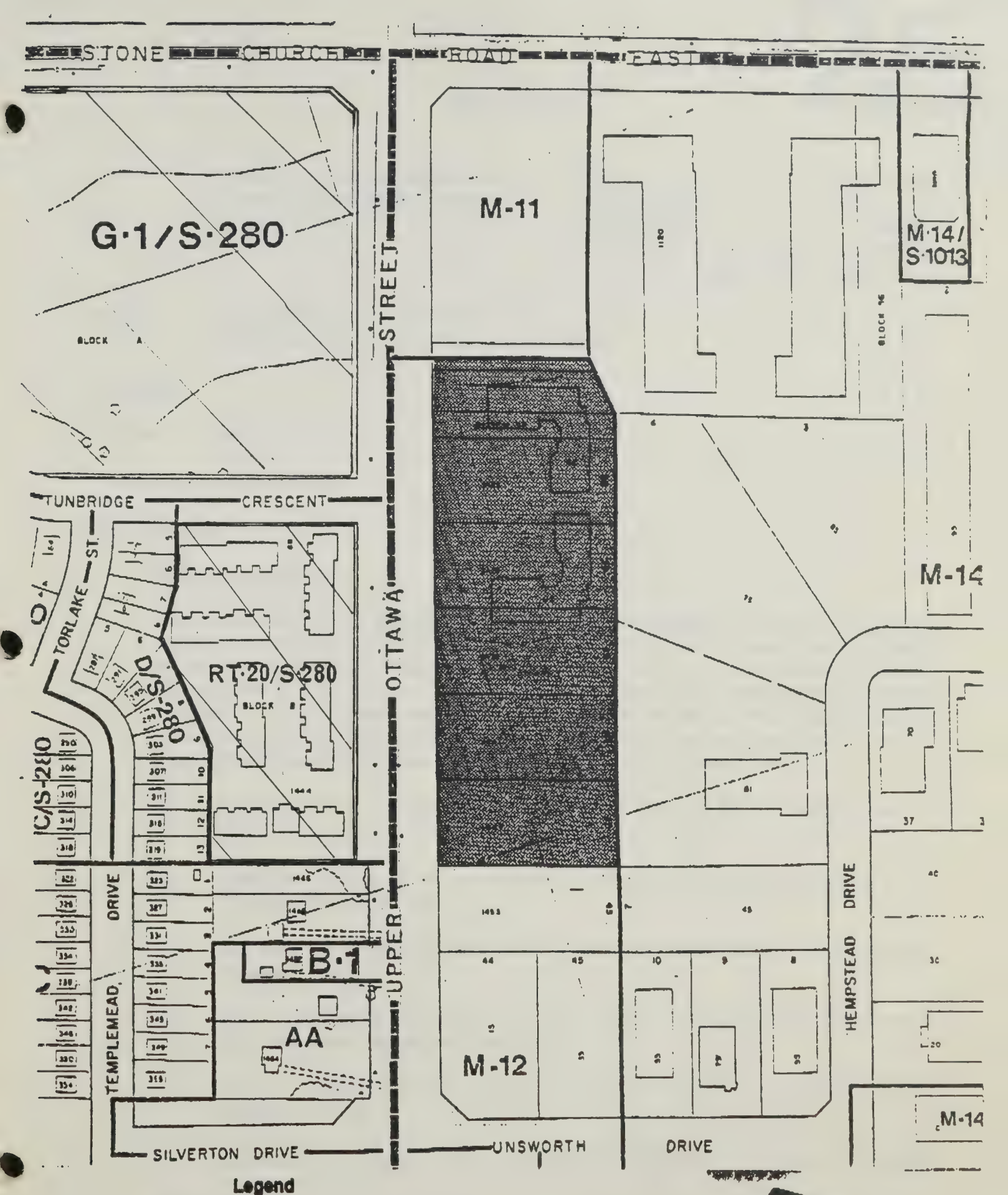
Should you have any questions or comments with respect to the foregoing, please contact the writer.

Yours very truly,

FRASER & BEATTY
Per:

Anthony G. DiCenzo

AGD:cm
Enclosures
cc: 874289 Ontario Inc.


STONE CHURCH ROAD EAST
G·1/S·280
M-11
M·14/
S·1013
STREET
TUNBRIDGE CRESCENT
TORLAKE ST.
RT·20/S·280
OTTAWA
C/S-280
D/S-280
TEMPLEMEAD DRIVE
B·1
AA
UPPER
M-12
HEMPSTEAD DRIVE
M-14
SILVERTON DRIVE
UNSWORTH DRIVE
Legend
Site of the Application
ZA 90-22

25.

FOR ACTION

TO: SUSAN K. REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: May 15, 1990
COMM FILE:
DEPT FILE: ZA-89-96
25T-89031
Hannon South Neighbourhood

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT:

Proposed Rezoning Application.

Proposed Draft Plan of Subdivision.

RECOMMENDATION:

(1) **Rezoning Application:**

That approval be given to amended Zoning Application 89-96, Arbra Developments, Inc., owner, requesting a change in zoning from "AA" (Agricultural) District to "M-14" (Prestige Industrial) District for Block "1", from "M-12" (Prestige Industrial) District to "M-14" (Prestige Industrial) District for Blocks "2" and "3", and from "M-14" (Prestige Industrial) District to "M-12" (Prestige Industrial) District for Block "4", to permit industrial development in conjunction with the adjoining lands, for property located on the south side of Rymal Road East between Glover Road and Trinity Church Road, as shown on the attached map marked as APPENDIX "A", on the following basis:

(i) That Block "1" be re-zoned from "AA" (Agricultural) District to "M-14" (Prestige Industrial) District;

(ii) That Blocks "2" and "3" be re-zoned from "M-12" (Prestige Industrial) District to "M-14" (Prestige Industrial) District;

(iii) That Block "4" be re-zoned from "M-14" (Prestige Industrial) District to "M-12" (Prestige Industrial) District;

(iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-69E and E-79E;

(v) That the requested change in zoning is in conformity with the Official Plan for the Hamilton Planning Area; and,

(vi) That Block "1" be redesignated to "RESTRICTED INDUSTRIAL" on the approved Mountain Industrial Area Plan.

EXPLANATORY NOTE:

The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "M-14" (Prestige Industrial) District for Block "1", from "M-12" (Prestige Industrial) District to "M-14" (Prestige Industrial) District for Blocks "2" and "3", and from "M-14" (Prestige Industrial) District to "M-12" (Prestige Industrial) District for Block "4", for property located on the south side of Rymal Road East between Glover Road and Trinity Church Road, as shown on the attached key map.

The effect of the By-law is to permit the development of the subject lands, in conjunction with the adjoining lands, as an Industrial Park.

(2) **SUBDIVISION APPLICATION:**

(a) That approval be given to Application 25T-89031, Arbra Developments Inc., owner, to establish a draft plan of subdivision at the south-east corner of Rymal Road East and Glover Road, subject to the following conditions:

(1) That approval apply to the plan prepared by May, Pirie and Associates Limited, dated April, 1989, revised to provide road widenings and daylight triangles for Rymal Road, Glover Road and the proposed access street.

(2) That the owner acquire from Ontario Hydro sufficient land to provide for the two road crossings of the "Ontario Hydro Corridor".

(3) That the streets, street widenings and daylight triangles be dedicated as public highways on the final plan.

(4) That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.

(5) That the final plan conform with the Zoning By-law approved under The Planning Act.

(6) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block in the final plan.

(7) That such easements as may be required for utility and drainage purposes be granted to the appropriate authority.

(8) That any dead-ends or open sides of the road allowances created by the plan be terminated in 0.3 m reserves to be conveyed to the City of Hamilton and be held by the City until required for the future extension of the road allowance or development of abutting lands.

(9) That Block "22" not be developed until such time as sufficient existing residences have ceased to exist to allow industrial development on the block in compliance with City policy.

(10) That the owner agree, in writing, to satisfy all the requirements, financial and otherwise, of the City of Hamilton.

(b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (25T-89031), Arbra Development, owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

per J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

A. L. Georgieff, M.C.I.P.
Director - Local Planning

FINANCIAL IMPLICATIONS:

N/A

BACKGROUND:

Owner: Arbra Developments, Inc., Willowdale, Ontario

Surveyor: A. T. McLaren, O.L.S., Hamilton, Ontario

Agent: May, Pirie and Associates Limited, Burlington, Ontario

Location:

The lands, comprising 11.5 ha are located at the south-east corner of Rymal Road East and Glover Road in the South Hannon Neighbourhood, City of Hamilton.

LAND USE ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	Vacant	"AA" (Agricultural) District, "M-12" (Prestige Industrial) District, and "M-14" (Prestige Industrial) District.
Surrounding Lands		
To the north	Single-family residences	"M-12" (Prestige Industrial) District
To the south	Vacant/Ontario Hydro corridor	Township of Glanbrook
To the west	Single-family residences & vacant	"AA" (Agricultural) District and "M-12" (Prestige Industrial) District
To the east	Single-family residences & vacant	"AA" (Agricultural) District and "A" (Conservation and Open Space, Park and Recreation) District

PROPOSAL-ZONING:

The owner proposes to re-zone parts of the subject lands to bring the overall zoning into compliance with the lots on the proposed draft plan of subdivision.

PROPOSAL - SUBDIVISION:

The owner proposes to subdivide the lands into 21 lots for industrial purposes and a block for future industrial use. The bulk of the lots will be serviced from new streets connecting to Glover Road with four lots fronting onto Rymal Road. The minimum lot size proposal has a width of 31.5 m and an area of 1,600 m^2.

EXISTING DEVELOPMENT CONTROLS:

Hamilton-Wentworth Official Plan - The lands are identified as "Urban Policy Areas" - "Industrial Business Parks". The proposal complies.

CITY OF HAMILTON OFFICIAL PLAN:

Designated "COMMERCIAL" and "INDUSTRIAL" on Schedule "A" - Land Use Concept, the proposal to rezone Block "1" does not comply. The following policy should be noted:

"D.8.2 The boundaries between the classes of land use designated on Schedule "A" by patterned areas, as well as any other boundaries indicated on Schedule "B", "B-1", "C", "D", "F", "G", and "H" are only intended to be general and not to define the exact limits of any land use or policy. It is intended, therefore, that minor adjustments may be made in respect of these boundaries in the Zoning By-law without the necessity of further amending this Official Plan, so long as such By-laws conform to the general intent and purpose of this Plan".

Should Council deem it appropriate, a minor extension of the adjacent INDUSTRIAL designation to permit the industrial development of the subject lands may be undertaken. In this instance, an Official Plan Amendment would not be necessary.

NEIGHBOURHOOD PLAN:

Block "1" is designated "RESTRICTED COMMERCIAL" on the approved Mountain Industrial Area Plan and thus does not comply. Approval of the application would require a redesignation to "RESTRICTED INDUSTRIAL".

ZONING:

The noted changes shown in Appendix "A" are required to permit the proposed development.

NIAGARA ESCARPMENT:

The lands are not within the "Development Control Area", therefore, the regulations do not apply.

COMMENTS FROM CIRCULATION:

Zoning Application:

- The following agencies have no comment or objection:
  - Hamilton Region Conservation Authority; and,
  - Building Department
- The Traffic Department has advised that the application is "satisfactory".
- To date, the Hamilton-Wentworth Engineering Department, Ontario Hydro, and Trans Canada Pipeline have not submitted any comments.

Subdivision Applications:

The following agencies have advised that they have no comment or objection toward the proposal:

- Ministry of Transportation
- Ministry of the Environment

- Ministry of Natural Resources
- Ministry of Industry, Trade and Technology
- Ministry of Culture and Communications (subject to standard archaeological condition)
- Regional Economic Development Department
- Hamilton Region Conservation Authority
- Township of Glanbrook
- Union Gas, Bell Telephone
- City Traffic Department
- City Building Department (subject to partial re-zoning)

Ontario Hydro (Toronto) has submitted the following comments:

"We wish to inform you that on December 20, 1989, Ontario Hydro requested additional detailed information from the consultant representing the subject subdivision proposal. To date, we have not received the information as requested.

In this regard, we are requesting an indefinite extension to submit comments and/or conditions until such time as the requested information has been provided to the satisfaction of Ontario Hydro".

The Hamilton-Wentworth Department of Engineering has submitted the following comments and recommendations:

"FOR YOUR INFORMATION:

(1) Municipal watermains are available at the present time to service this proposed subdivision.

(2) Municipal storm and sanitary sewers are not available adjacent to this property at the present time. However, the Region is contemplating the installation of storm and sanitary services on Rymal Road from the west and then southerly along Glover Road within the next twelve months, and then along Rymal Road easterly within approximately the next twenty four months. The scheduling of these sewer projects is determined by the availability of funds and could be subject to change.

(3) From the Department of Engineering's point of view, we do not expect any Regional share for services in this development.

RECOMMENDATIONS:

(1) Due to the nature of the topography of these lands, the sewers will drain internally within the subdivision to an outlet on Glover Road. Therefore, the owner would be required to dedicate an easement in favour of the Region over Parts of Lots 1, 2, & 5.

(2) That sufficient lands be dedicated under the Final Plan to establish all existing roads to their full required widths. Specifically, (a) lands on Rymal Road to be dedicated to the Region to establish the property line 18.29 metres (60 feet) from the centreline of construction on

Rymal Road as shown on Misc. Plan No. 773 (P-1944-26) and Misc. Plan No. 949 P-1944-38), (b) lands on Glover Road be dedicated to the City of Hamilton to establish the property line 15.24m (50 feet) from the centreline of the original Glover Road road allowance.

(3) That sufficient lands be dedicated to the City of Hamilton to establish a 12.19m x 12.19m (40 foot x 40 foot) daylight triangle at the widened south east angle of the intersection of Glover Road and Rymal Road.

(4) Sufficient lands be dedicated to the City of Hamilton to establish a 23 metre road allowance on the East Street extending from the intersection with Glover Road for 90 metres easterly, and to establish a 15.24m x 15.24m daylight triangle at this intersection, on both sides of the road.

(5) That access for Lot 1 will only be provided off Glover Road.

(6) Since this is an industrial subdivision, we required a minimum 15 metre radii transitions into and out of the cul-de-sac.

(7) The owner is to enter into subdivision agreements with the City of Hamilton and the Region prior to the development of these lands.

The proposed Draft Plan of Subdivision, as prepared by May, Pirie and Associates, signed by A. T. McLaren, O.L.S. and dated September 12, 1989, is satisfactory to this Department subject to the above noted comments and recommendations".

Trans Canada Pipeline has not responded, to date.

COMMENTS:

(1) The proposal to re-zone Block "1" does not comply with the intent of the Official Plan. However, should Council deem it appropriate, a minor adjustment of the adjoining INDUSTRIAL designation may be made to encompass Block "1".

(2) The proposal to re-zone Block "1" does not comply with the intent of the approved Mountain Industrial Area Plan. Approval of the application will require a redesignation from "RESTRICTED COMMERCIAL" to "RESTRICTED INDUSTRIAL".

(3) The proposal has merit and can be supported for the following reasons:

(i) the subject lands are to be developed with the adjoining lands as an industrial subdivision. The re-zoning will facilitate a comprehensive development of this area;

(ii) the requested zoning is appropriate for the subject lands given the surrounding zoning; and,

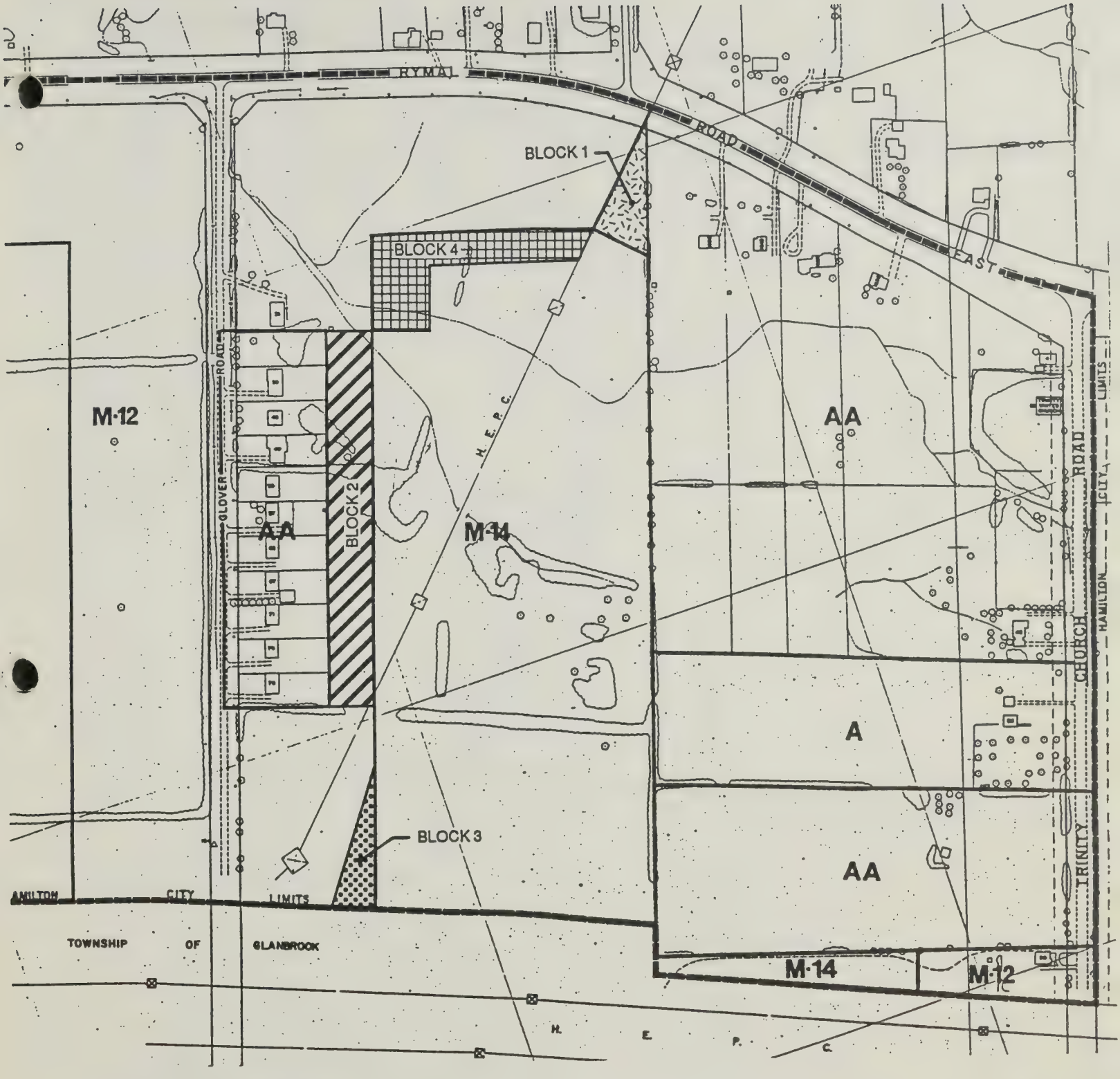
(iii) the proposed changes in zoning are consistent with the existing and future planned development in the area.

(4) The requested "M-12" (Prestige Industrial) and "M-14" (Prestige Industrial) Districts are subject to Site Plan Control By-law No. 79-275, as amended by By-law No. 87-223. Matters such as access and landscaping, etc., will be dealt with at the site plan stage of development.

It should be noted that in accordance with the "Distance Requirement" of the "M-12" and "M-14" Districts, no industrial building or structure shall be erected and no industrial use or outside storage (other than parking) is permitted within 90m of a residential building.

(5) The requirements of the Ministry of Culture and Communication, Ontario Hydro - Toronto, and Trans Canada Pipeline if any, can be implemented through the conditions of draft approval to be established by the Commissioner of Planning and Development

JLS/ll
Attach.
P&DReport
ZA-89-96



Legend

Change in zoning from:

ZA-89-96

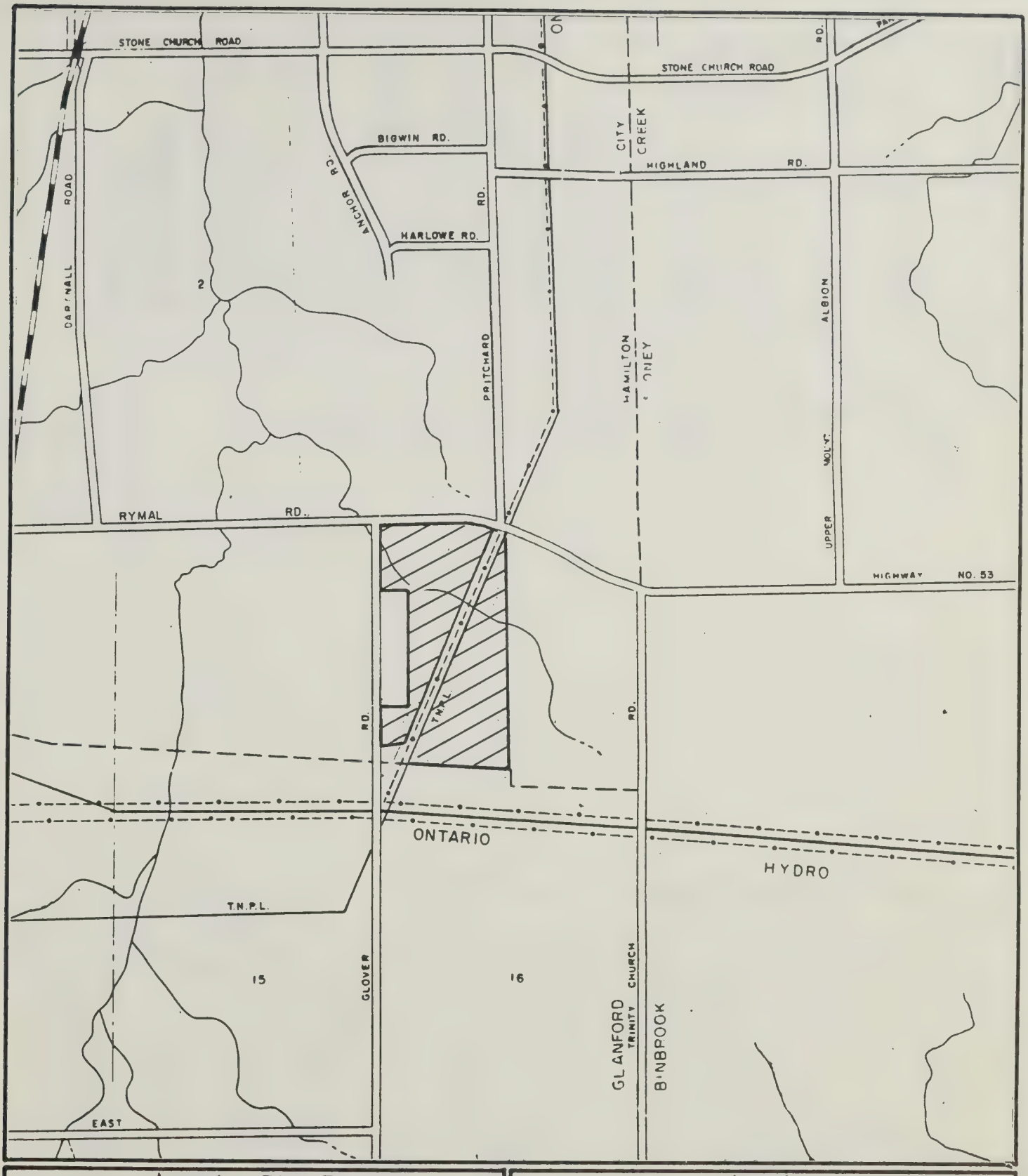
BLOCK 1 — "AA" (Agricultural) District to "M-14" (Prestige Industrial) District

BLOCK 2 — "M-12" (Prestige Industrial) District to "M-14" (Prestige Industrial) District

BLOCK 3 — "M-12" (Prestige Industrial) District to "M-14" (Prestige Industrial) District

BLOCK 4 — "M-14" (Prestige Industrial) District to "M-12" (Prestige Industrial) District

APPENDIX A



Location Plan For

BEING PART OF LOT 16, CONCESSION I

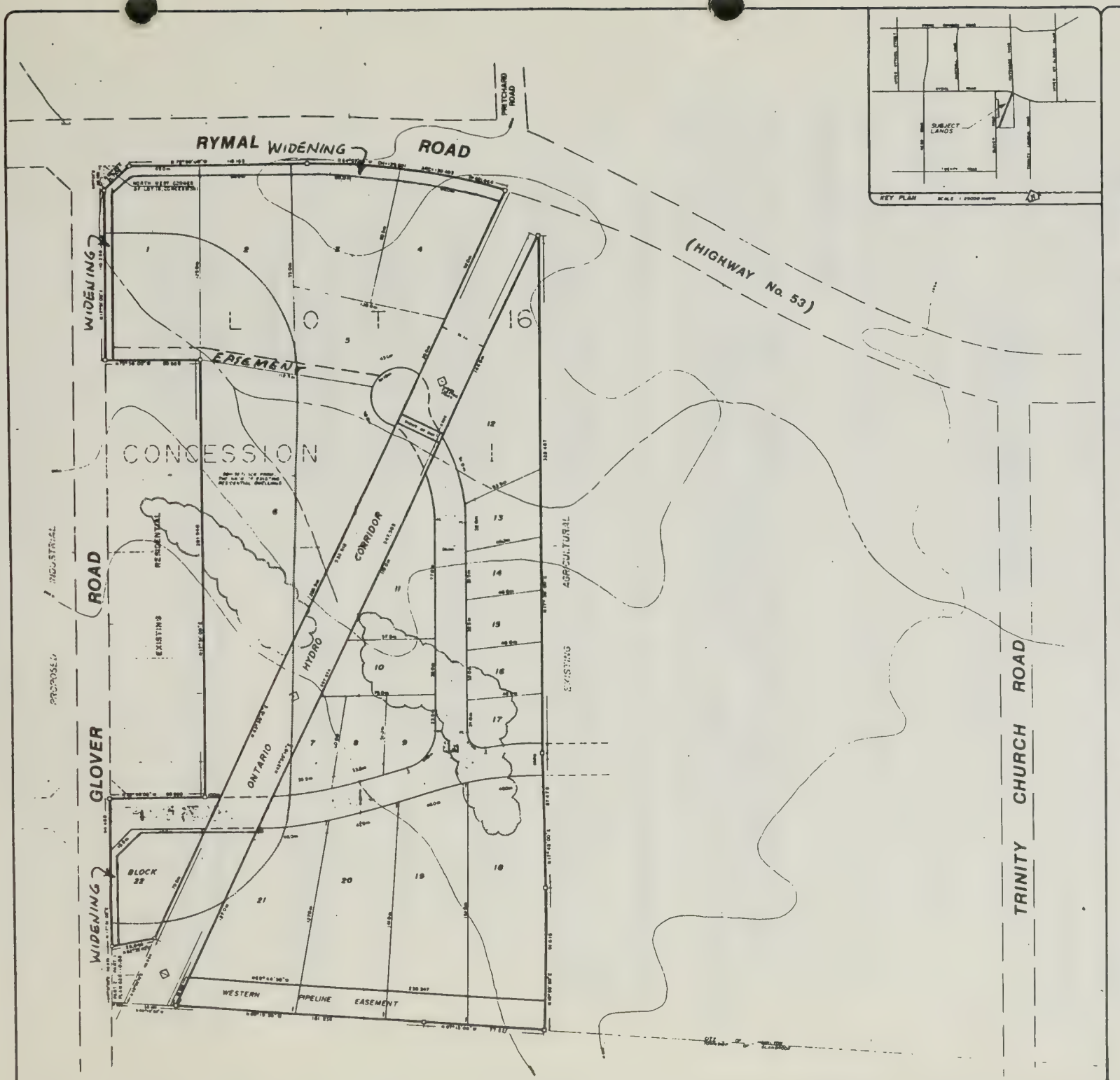
NOW IN THE CITY OF HAMILTON

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

PROPOSED SUBDIVISION

North	Scale	Reference File No.
	N.T.S.	25T-89031
	Date	Drawing No.
	OCT. 13, 1989	



DRAFT PLAN OF SUBDIVISION

BEING PART OF LOT 16, CONCESSION I
FORMERLY IN THE TOWNSHIP OF GLANFORD
NOW IN THE CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

SCALE ... CONTOUR INTERVAL ... DRAWN BY ... DATE ... REF No.

OWNER'S CERTIFICATE

I hereby certify that the undersigned are the owners of the lands outlined in a heavy line shown on this plan and I hereby authorize MAY PIRIE & ASSOCIATES LIMITED to submit this draft plan for approval

Sept. 7th 1989
DATE

SIGNATURE
SANDRA DEVELOPMENTS INC.

SURVEYOR'S CERTIFICATE

I hereby certify that the lands to be subdivided, outlined in a heavy line, as shown on this plan and their relationship to adjacent lands are correctly and accurately shown

Sept 6/89
DATE

SIGNATURE
A.J. WILLIAMS O.L.S.
63 JOHN ST
HAMILTON Ont L8N 2C3

REQUIREMENTS OF THE PLANNING ACT, 1983 (SECTION 50.2)

(a) See plan
(b) See plan
(c) See plan
(d) See Design & Land use Schedule
(e) See plan
(f) See plan
(g) See plan
(h) Municipal water
(i) Sandy loam
(j) See plan
(k) Full Services
(l) See plan

DESIGN CRITERIA AND LAND USE SCHEDULE

USE	LOT	AREA (ha)	AREA (ac.)
INDUSTRIAL	1	0.76	1.88
"	2	0.79	1.95
"	3	0.51	1.26
"	4	0.53	1.31
"	5	0.44	1.09
"	6	1.84	4.55
"	7	0.17	0.42
"	8	0.17	0.42
"	9	0.16	0.40
"	10	0.23	0.57
"	11	0.23	0.57
"	12	0.62	1.54
"	13	0.18	0.44
"	14	0.16	0.40
"	15	0.17	0.42
"	16	0.16	0.40
"	17	0.16	0.40
"	18	0.74	1.83
"	19	0.73	1.80
"	20	0.68	1.70
INDUSTRIAL	21	0.58	1.43
ROADWAY	BLOCK 22	0.30	0.74
TOTAL	22	11.40	28.39

LINEAR ROADWAY 463m

MAY, PIRIE & ASSOCIATES LIMITED

26.

FOR ACTION

REPORT TO:	**SUSAN REEDER, SECRETARY PLANNING AND DEVELOPMENT COMMITTEE**	**DATE:**	**May 11, 1990**
		COMM. FILE:	
		DEPT. FILE:	**ZA-90-20 Broughton East Neighbourhood**

FROM: **J.D THOMS, COMMISSIONER PLANNING AND DEVELOPMENT DEPARTMENT**

SUBJECT:

Request for a change in zoning - property located at No. 912 Rymal Road East.

RECOMMENDATION

That approval be given to Zoning Application 90-20, William Kosar, (In Trust), prospective owner, requesting a change in zoning from "AA" (Agricultural) District to "E-2" (Multiple Dwellings) District to permit a 3 storey, 18 unit stacked townhouse development, on property located at No. 912 Rymal Road East, as shown on the attached map marked as APPENDIX "A" on the following basis:

i) That the lands be rezoned from "AA" (Agricultural) District to "E-2" (Multiple Dwellings) District;

ii) That the "E-2" (Multiple Dwellings) District regulations as contained in Section 11B of Zoning By-law No. 6593 applicable to the subject lands be modified to include the following variances as special requirements:

a) That notwithstanding Section 11B(1) of By-law No. 6593 only a multiple dwelling containing a maximum of 18 dwelling units shall be permitted;

b) That notwithstanding Section 11B(2) of By-law No. 6593 the maximum height of any building or structure shall not exceed 3 storeys or 12 m;

c) That notwithstanding Section 18A(14) of By-law No. 6593 required parking spaces shall be permitted in the required front yard not less than 3.0 m from the front property line adjoining Rymal Road East;

d) That a minimum 3.0 m wide landscaped planting strip, excluding the area required for an access driveway, shall be provided and maintained along the front lot line adjoining Rymal Road East;

e) That a visual barrier not less than 0.6 m in height and not greater than 1.2 m in height shall be provided and maintained within the 3.0 m wide landscaped planting strip along the front lot line adjoining Rymal Road East.

iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-49E be notated S- ;

iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-49E for presentation to City Council;

v) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area;

vi) That the Broughton East Neighbourhood Plan be amended by redesignating the subject lands from "ATTACHED HOUSING" to "LOW DENSITY APARTMENTS".

EXPLANATORY NOTE

The purpose of the application is to provide for a change in zoning from "AA" (Agricultural) District to "E-2" (Multiple Dwellings) District, for property located at No. 912 Rymal Road East, as shown on the attached map marked as APPENDIX "A".

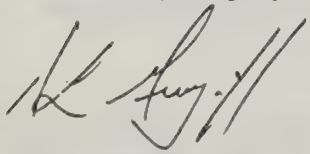
The effect of the By-law is to permit redevelopment of the subject lands with a 3 storey, 18 unit multiple dwelling (stacked townhouse). Twenty three (23) surface parking spaces and 1 loading space will be provided.

In addition, the By-law provides for the following variances and special requirements:

- To permit required parking spaces in the required front yard not less than 3.0 m from the front property line adjoining Rymal Road East;

- To require a minimum 3.0 m wide landscaped planting strip, excluding the area required for an access driveway, to be provided and maintained along the front lot line adjoining Rymal Road East;

- To require a visual barrier not less than 0.6 m in height and not greater than 1.2 m in height to be provided and maintained within the 3.0 m wide landscaped planting strip along the front lot line adjoining Rymal Road East.



A.L. Georgieff, M.C.I.P.
Director of Local Planning

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

The purpose of the application is to permit redevelopment of the site with a 3 storey, 18 unit stacked townhouse development. Parking for twenty three (23) surface parking spaces and one (1) loading space will be provided (see APPENDIX "B" attached).

APPLICANT

William Kosar, (In Trust), prospective owner.

LOT SIZE AND AREA

- 45.72 m (150.0 ft.) of lot frontage on Rymal Road East;
- 52.73 m of lot depth; and,
- 2,410.75 m^2 (25,950 sq.ft.) of lot area.

EXISTING LAND USE AND ZONING

	Existing Land Use	Existing Zoning
Subject Lands	auto repair business	"AA" (Agricultural) District
Surrounding Lands		
to the north	vacant	"G" (Neighbourhood Shopping Centre, etc.) District modified
to the south	townhouses	"RT-10" (Townhouse) District
to the east	townhouses	"E-2" (Multiple Dwellings) District
to the west	townhouses	"RT-10" (Townhouse) District

OFFICIAL PLAN

Designated "Residential" on Schedule "A" - Land Use Concept Plan of the Official Plan and subject to among others, the following policies:

"A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.

A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.

A.2.1.14 In evaluating the merits of any proposal for multiple-family RESIDENTIAL development, Council will be satisfied that the following considerations are met:

i) The height, bulk and arrangement of buildings and structures will achieve harmonious design and integrate with the surrounding areas; and,

ii) Appropriate open space, including landscaping and buffering, will be provided to maximize the privacy of residents and minimize the impact on adjacent lower-density uses."

The proposal complies with the intent of the Official Plan.

NEIGHBOURHOOD PLAN

Designated for "ATTACHED HOUSING" on the approved Broughton East Neighbourhood Plan, the proposal does not comply. Approval of the application would require redesignation to "LOW DENSITY APARTMENTS".

COMMENTS RECEIVED

- The Building Department has advised that:

  "Required parking is provided in the required front yard. A visual barrier and landscaped planting strip is required on both sides of the parking lot which adjoin a residential district."

- The Hamilton-Wentworth Engineering Department has advised that

  "...public watermains as well as municipal storm and sanitary sewers are available to service the subject lands.

The designated road allowance width of Rymal Road is 36.58 m (120 feet). The Region previously acquired the required road widening on Rymal Road by Misc. Plan No. 770 (P-1944-23). Therefore, we do not anticipate any future road allowance widenings at this time. In the absence of any details shown, we advise that any works which may occur within the Rymal Road road allowance, as widened, must conform to the Region of Hamilton-Wentworth Road Use By-law.

The Traffic Department should comment on access design, etc.. We will provide detailed comments on grading, etc. at such time as site plans are submitted for our review and comment. The access may have to be shifted to the east property line to maximize setbacks from the Rymal Road and Upper Gage Avenue intersection. The lands are designated for attached housing on the Broughton East Neighbourhood Plan."

- The Traffic Department has advised that:

"The proposed zoning modification is satisfactory subject to the restriction that street townhousing not be allowed. With respect to the preliminary site plan which was submitted, please be advised that an 18 unit apartment building would require one 3.7 m x 9.0 m loading space. There does not appear to be any room on site for this space.

There is a proposed development for the north-west corner of Rymal Road and Upper Gage Avenue which may necessitate the installation of a raised centre median on Rymal Road. Therefore, the applicant should also be advised that access to the site may be restricted to right-turn in and right-turn out only."

- The Hamilton Region Conservation Authority, Trans Canada Pipelines and the Hamilton-Wentworth Regional Police Department have no comments or objections.

COMMENTS

1. The proposal complies with the intent of the Official Plan.

2. The proposal conflicts with the intent of the approved Broughton East Neighbourhood Plan. Approval of the application would require redesignation from "ATTACHED HOUSING" to "LOW DENSITY APARTMENTS".

3. The proposal has merit and can be supported for the following reasons:

   - it complies with the intent of the Official Plan;
   - it would be compatible with existing and proposed development in the surrounding area;
   - it is an improvement over the existing situation, in that it will result in the removal of an incompatible legal non conforming public garage use;

- it will provide for a different form of multiple housing (stacked townhouse) than the norm, adding to the variety of housing types within this area;

- it is suitably located on the periphery of the neighbourhood and on a major arterial road where multiple family development is encouraged to locate; and

- it is within close proximity to a public transit route (#23).

4. On the basis of a preliminary site plan submitted with the application, the following variances have been identified by the Building Department:

   a) Required parking is provided in the required front yard within 3.0 m (10') of Rymal Road, whereas a minimum 6.0 m (20') setback is required..

   The proposal to permit required parking in the required front yard can be supported for the following reasons:

   - it will result in the removal of a legal non-conforming auto repair business which could continue, as-of-right, indefinitely;

   - it will provide a visual break in the streetscape comprised of blocks of townhouses backing onto Rymal Road;

   - it will provide a greater building setback for the dwellings and will help to reduce noise and nuisance impacts generated by the traffic volumes along Rymal Road East which is a busy major arterial road.

   b) A visual barrier not less than 1.2 m in height and not greater than 2.0 m in height, and a minimum 1.5 m wide landscaped planting strip is required to be provided and maintained between the boundary of the parking area and loading area and the adjoining residential district.

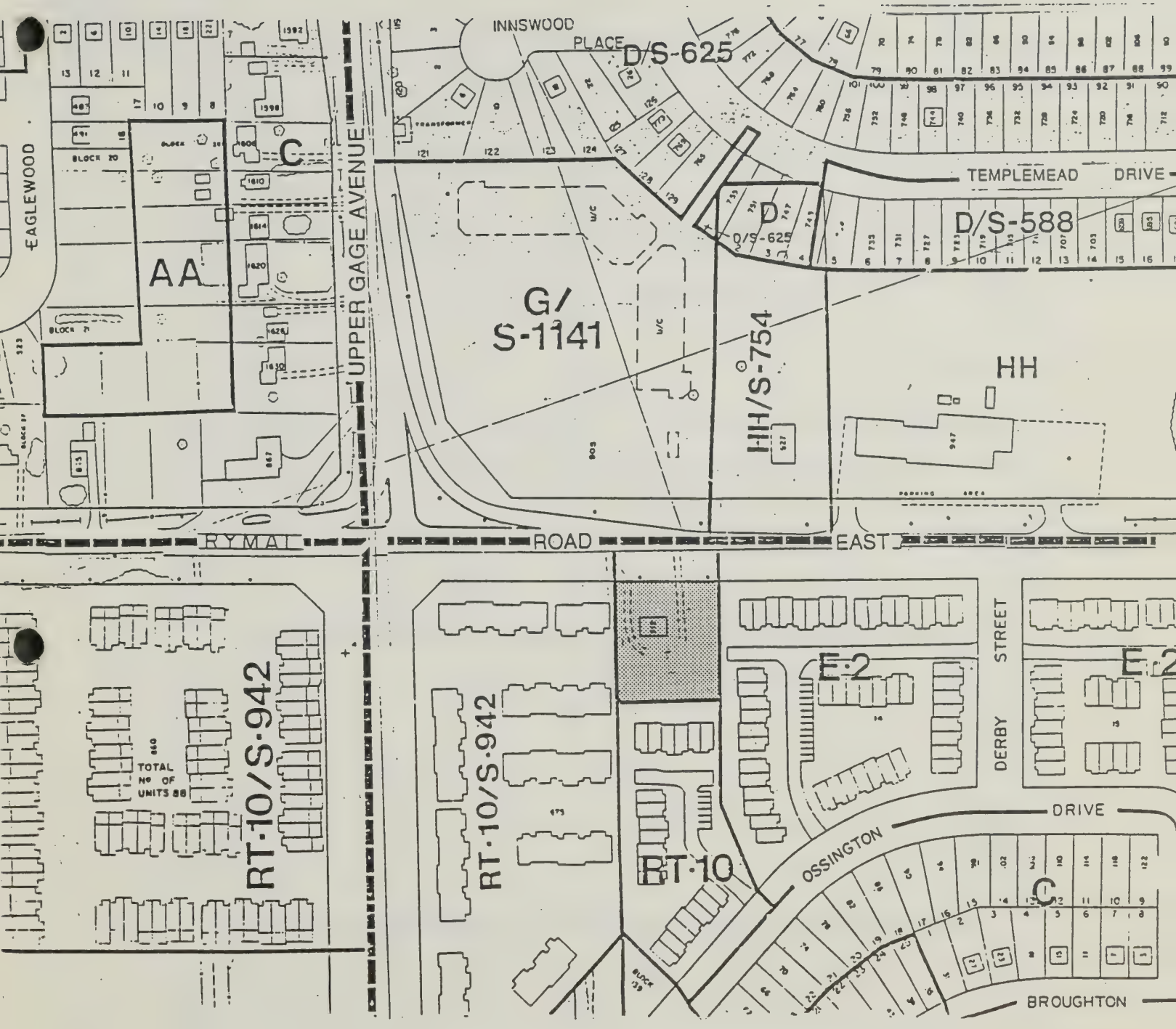
   The requested variance cannot be supported as there is sufficient room to meet by-law requirements.

5. The requested "E-2" (Multiple Dwellings) District is subject to Site Plan Control By-law 79-275 as amended by By-law 87-223. In this regard, matters such as access, landscaping, grading, parking, loading, etc., can be further reviewed at the site plan approval stage of development.

CONCLUSION

On the basis of the foregoing, the application can be supported.

GW/ma
WPZA9020

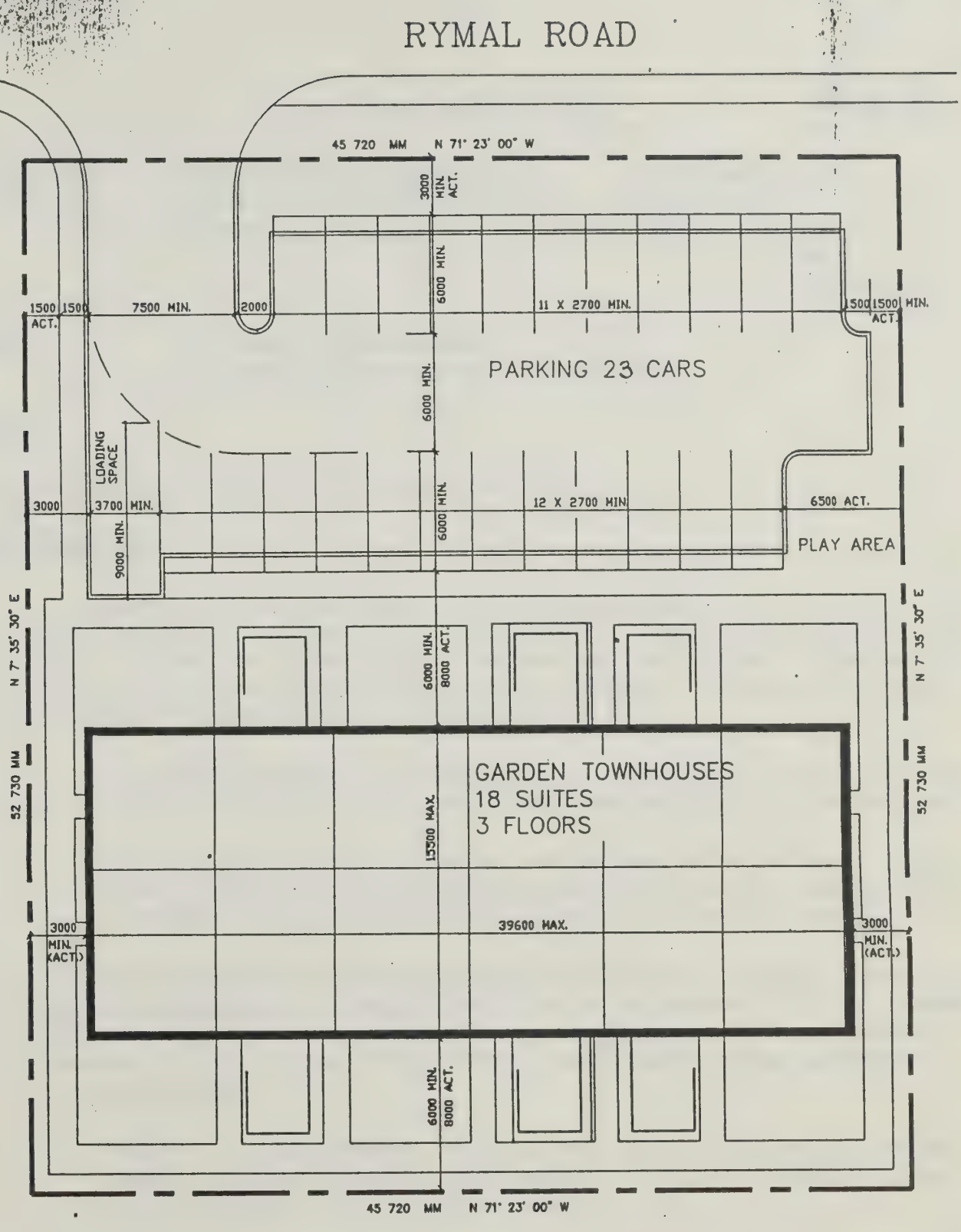


ZA90-20

Legend

Site of the Application

APPENDIX A



SITE PLAN

APPENDIX B

27.

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: May 16, 1990
COMM. FILE:
DEPT. FILE: ZA-90-28
Stipeley
Neighbourhood

FROM: J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT

Request for a change in zoning - No. 73 Garfield Avenue South.

RECOMMENDATION

1. That amended Zoning Application 90-28, Alfrin Enterprises Corporation (D. Frisina), prospective owner, requesting a modification to the established "C" (Urban Protected Residential, etc.) District, to convert the existing building to eighteen units (condominiums or apartments), for property located at No. 73 Garfield Avenue South as shown on the attached map marked as APPENDIX "A", be **DENIED** for the following reasons:

   i) The proposal represents an overintensification of land use in that only fourteen parking spaces can be provided on site whereas twenty-three parking spaces are required; and,

   ii) The traffic generated from the eighteen units (proposed density) will create a spillover effect in the neighbourhood (increased requirements for on-street parking) which is undesirable and would negatively affect the quality of the residential environment.

2. That approval be given to amended Zoning Application 90-28, Alfrin Enterprises Corporation (D. Frisina), prospective owner, requesting a modification to the established "C" (Urban Protected Residential, etc.) District, to convert the existing building to fourteen units (condominiums or apartments), for property located at No. 73 Garfield Avenue South as shown on APPENDIX "A", on the following basis:

   i) That the "C" (Urban Protected Residential, etc.) District regulations as contained in Section 9 of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special provisions:

      a) That notwithstanding Section 9, not more than fourteen Class "A" dwelling units shall be permitted only within the existing building;

      b) That notwithstanding Section 18A(1)(a), a minimum of fourteen parking spaces shall be provided and maintained;

c) That notwithstanding Section 18A(7), eleven of the required parking spaces shall have minimum dimensions of 2.6 m by 5.82 m;

d) That notwithstanding Section 18A(8), the two parallel parking spaces shall have a length of not less than 6.5 m;

e) That notwithstanding Section 18A(9), part of the manoeuvring area for the two parallel parking spaces shall be provided off-site;

f) That Sections 18A(1)(c), 18A(12)(a) and 18A(25) shall not apply;

g) That notwithstanding Section 18A(12)(c), a visual barrier not less than 1.2 m and not more than 2.0 m high shall be provided and maintained along the southerly lot line except that no visual barrier shall be situate less than 3.0 metres in distance from the front lot line;

h) That notwithstanding Section 18A(24)(b)(i), the access driveway shall have a width of at least 3.04 m;

i) That a minimum landscaped area of 74.3 m^2 shall be provided and maintained.

ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-33 be notated S- ;

iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-33 for presentation to City Council;

iv) That the proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area; and,

v) That the approved Stipeley Neighbourhood Plan be amended by redesignating the subject lands from "SINGLE AND DOUBLE HOUSING" to "LOW DENSITY APARTMENTS".

3. That Schedule "A" to By-law No. 79-275, as amended by By-law No. 87-223, respecting Site Plan Control, be further amended by adding the lands.

4. That the amending By-law not be forwarded for passage to City Council until such time as the applicant enters into an encroachment agreement with the City of Hamilton.

EXPLANATORY NOTE

The purpose of the By-law is to provide for a modification to the established "C" (Urban Protected Residential, etc.) District regulations, for property located at No. 73 Garfield Avenue South, as shown on the attached map.

The effect of the By-law is to permit the conversion of the existing building for fourteen (14) dwelling units. In addition, the By-law provides for the following variances as special provisions:

- fourteen parking spaces instead of the required eighteen;
- no loading space whereas one small loading space is required;
- a landscaped area of 74 m^2 whereas no landscaped area is required;
- parking space dimensions of 2.6 metres by 5.82 metres for eleven of the parking spaces instead of the required 2.7 metres by 6.0 metres;
- a length of 6.5 metres for the two parallel parking spaces whereas a length of 6.7 metres is required;
- the manoeuvring space for the two parallel parking spaces will be in the alley whereas manoeuvring is normally required to be on-site;
- no setback of the parking area from the adjoining residential properties whereas a 1.5 metre setback is required;
- no planting strip between the parking area and the adjoining residential properties whereas a planting strip is required;
- a fence along both side lot lines (northerly and southerly) whereas a fence along the northerly lot line only is required; and,
- an access driveway to the parking area of 3.04 metres in width whereas 5.5 metres in width is required.

A.L. Georgieff, M.C.I.P.
Director of Local Planning

per **J.D. Thoms, M.C.I.P.**
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

The existing building was formerly used by CKOC Radio Station, who have since moved to another location. At the time, the radio station employed approximately fifty people of which about thirty persons would be working at the radio station during regular business hours.

The applicant is proposing to convert the existing building to condominiums or apartments.

APPLICANT

Alfrin Enterprises Corporation (D. Frisina), prospective owner.

LOT SIZE AND AREA

The subject property has:

- 30.48 m (100 feet) of lot frontage on Garfield Avenue South;
- 30.48 m (100 feet) of lot depth; and,
- 929 m^2 (10,000 square feet) of lot area.

LAND USE AND ZONING

	Existing Land Use	Existing Zoning
Subject Lands	vacant 2 storey office building	"C" (Urban Protected Residential, etc.) District
Surrounding Lands		
to the north, south, west, and east	one and two family dwellings	"C" (Urban Protected Residential, etc.) District

OFFICIAL PLAN

Designated "RESIDENTIAL" on Schedule "A" - Land Use Concept, the following policies are applicable:

"A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings ...

A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.

A.2.1.13 Plans for redevelopment will, to the satisfaction of Council, ensure that the RESIDENTIAL character of the area will be maintained or enhanced and that the redevelopment will not burden existing facilities and services."

The proposal complies with the intent of the Official Plan.

NEIGHBOURHOOD PLAN

Designated "SINGLE AND DOUBLE RESIDENTIAL" on the approved Stipeley Neighbourhood Plan, the proposal does not comply. Approval of the application would require a redesignation to "LOW DENSITY APARTMENTS".

COMMENTS RECEIVED

- The following agency has no objection:
  - Hamilton Region Conservation Authority.
- The Building Department has advised that:
  1. "An eighteen (18) unit multiple dwelling is not permitted.
  2. An eighteen (18) unit multiple dwelling requires twenty-three (23) parking spaces and one (1) 3.7m x 9.0m x 4.3m loading space.
  3. No part of a required parking area is permitted in the required front yard.
  4. Every parking space shall be a minimum 2.7m x 6.0m (8.86 ' x 19.69') with a manoeuvring space aisle width of 6.0m (19.69').

5. Every parallel parking space shall be a minimum 2.5m x 6.7m (8.20' x 21.98') with a manoeuvring space aisle width of 3.7m (12.14').

6. All required parking spaces and manoeuvring spaces shall be located on the lot.

7. The alleyway used for the required access driveway to the required parking area does not provide the minimum 5.5m (18.05') width.

8. The parking area shall be at least 1.5m (4.92') from the northerly and southerly lot lines and this area requires to be landscaped with a planting strip.

9. The parking area shall be at least 6.0m from the front lot line and 3.0m from the southerly lot line and this area requires to be landscaped with a planting strip.

10. The parking area adjoining the northerly and southerly lot line requires a visual barrier along the lot lines of a height of not less than 1.2m and not more than 2.0m.

11. No means of egress of the building shall be blocked by parking spaces.

12. The existing and proposed addition to the southerly wall of the existing building shall provide a 1.2m side yard and shall be 6.0m from the front lot line.

13. A five (5) storey building is not permitted in a "C" zoning district.

14. It appears that this proposal does not provide 800 square feet of landscaped area as indicated in the development details."

o The Hamilton-Wentworth Engineering Department has advised that:

"According to our records, Garfield Avenue South is 18.29 m (60 feet) in width. Therefore we do not anticipate any further road allowance widenings at this time.

According to plans submitted by the applicant, the stairs at No. 73 Garfield Avenue South encroach into the road allowance. Therefore, as a condition of approval, we recommend that the applicant/owner enter into an encroachment agreement with the City of Hamilton.

The City of Hamilton Traffic Department is to comment on access, driveway width, etc. since the parking area and access to the alley manoeuvring etc. appears to be substandard.

According to our records, the alley to the rear of the subject lands is public unassumed. Therefore, the City of Hamilton cannot guarantee free and clear access to the rear of the subject lands from the alley."

o The Traffic Department has advised that:

"It is our understanding that the 10 foot alley at the rear of this property is public unassumed. Normally this substandard width for two-way traffic and the alleys unassumed status would not be considered sufficient access for a project of this nature. However, given that this is an existing structure which has made use of this access for a number of years and our opinion that the proposed use is more in character with the adjacent land use, we would be prepared to accept the limitations of the existing access.

It is also our understanding that the proposal has been modified from the initial indication of 10 units, to 14 units and now to 18 units. Again, taking into consideration the preference for the new use and the existing structure, we would be prepared to consider a reduction in the parking requirements for the project up to a minimum requirement of 1 space per unit. We would not, however, support a recent suggestion which proposed placing parallel parking along the entire Garfield Avenue frontage.

We further recommend that the site be placed under site plan control."

COMMENTS

1. The proposal complies with the intent of the Official Plan.

2. The proposal does not comply with the intent of the approved Stipeley Neighbourhood Plan. Approval of the application would require a redesignation from "SINGLE AND DOUBLE HOUSING" to "LOW DENSITY APARTMENTS".

3. The requested eighteen unit building cannot be supported for the following reasons:

   i) The proposal represents an overintensification of land use in that only fourteen parking spaces can be provided on site whereas twenty-three parking spaces are required; and,

   ii) The traffic generated from the eighteen units (proposed density) will create a spillover effect in the neighbourhood (increased requirements for on-street parking) which is undesirable and would negatively affect the quality of the residential environment.

4. An amended proposal to permit fourteen units has merit and can be supported for the following reasons:

   i) it implements the intent of the Official Plan;

   ii) it provides for an adaptive re-use of the existing building. In this regard, the conversion shall be within the existing building only and will not alter the character of the building and will maintain the existing streetscape; and,

iii) the conversion of the existing building to a multiple residential building, with adequate parking provisions, would be appropriate and would be less intrusive in the neighbourhood than the previous office use. However, given the position of the Traffic Department, and the fact that only fourteen parking spaces can be provided and maintained on-site, it would be appropriate to limit the number of units based on the parking ratio of one space per unit.

5. Based on a preliminary site plan, several variances have been identified, most of which relate to parking and loading. Given the constraints on the site due to the presence of the existing building, the following variances merit consideration:

i) Number of Parking Spaces (Section 18A(1)(a))

For a fourteen unit building, eighteen parking spaces would be required (1.25 spaces x 14 units). Since the Traffic Department can support a reduction in parking to one space per unit, it would be appropriate to reduce the required parking to fourteen spaces.

ii) Dimensions of Parking Spaces (Section 18A(7), (8) and (9))

Each parking space is required to have dimensions of 2.7 m by 6.0 m. Eleven of the required parking spaces shall have dimensions of 2.6 m by 5.82 m. The variance can be supported as this is an existing situation. In addition, the requested variances are in minor in nature.

In addition to the above, there are two parallel parking spaces on-site which must have a length of 6.7 m. The applicant can provide two parallel parking spaces with a length of 6.5 m. Also, part of the manoeuvring area for these two spaces shall be provided off-site in the alleyway, which is normally not permitted. Both variances can be supported as the building is existing and the Traffic Department has not raised any concerns over these variances.

iii) Loading Space (Section 18A(1)(c))

The existing nature of the building precludes provision of an on-site loading space and the required parking. A variance to eliminate the required loading space can be supported.

iv) Access Driveway (Sections 18A(24) and (25))

The alley at the rear of the building is to be used as the access driveway and it is 3.04 m wide instead of the required 5.5 m wide. As indicated by the Traffic Department, the alley is normally substandard in width for two-way traffic and would not be sufficient for a project of this size. However, since this building has used the alleyway for a number of years, the variance can be supported.

However, the applicant should be advised that it would be beneficial to have the alleyway assumed.

v) Parking Area - Buffering and Landscaping (Sections 18A(12)(a) and (c))

The By-law requires that:

a) The parking area be located at least 1.5 m from a residential district;

b) A landscaped strip of 1.5 m in width be provided between the boundary of the parking area and the residential district; and,

c) A visual barrier be provided along the boundary of the lot abutting the residential district.

In order to provide adequate parking and manoeuvring on-site, the parking area will abut the residential district along the northerly and southerly side yards. Accordingly, the variances to eliminate the setback and landscaping requirements can be supported.

However, adjacent residential uses and the parking area will be buffered since the applicant will be required to provide a 1.2 m to 2.0 m high visual barrier along the northerly and southerly lot lines.

vi) Landscaped Area (Section 9)

The "C" District does not have any provisions for landscaped area. However, since this is a multiple dwelling, a landscaping requirement is appropriate. The existing building has approximately 800 square feet of landscaped area and this should be maintained.

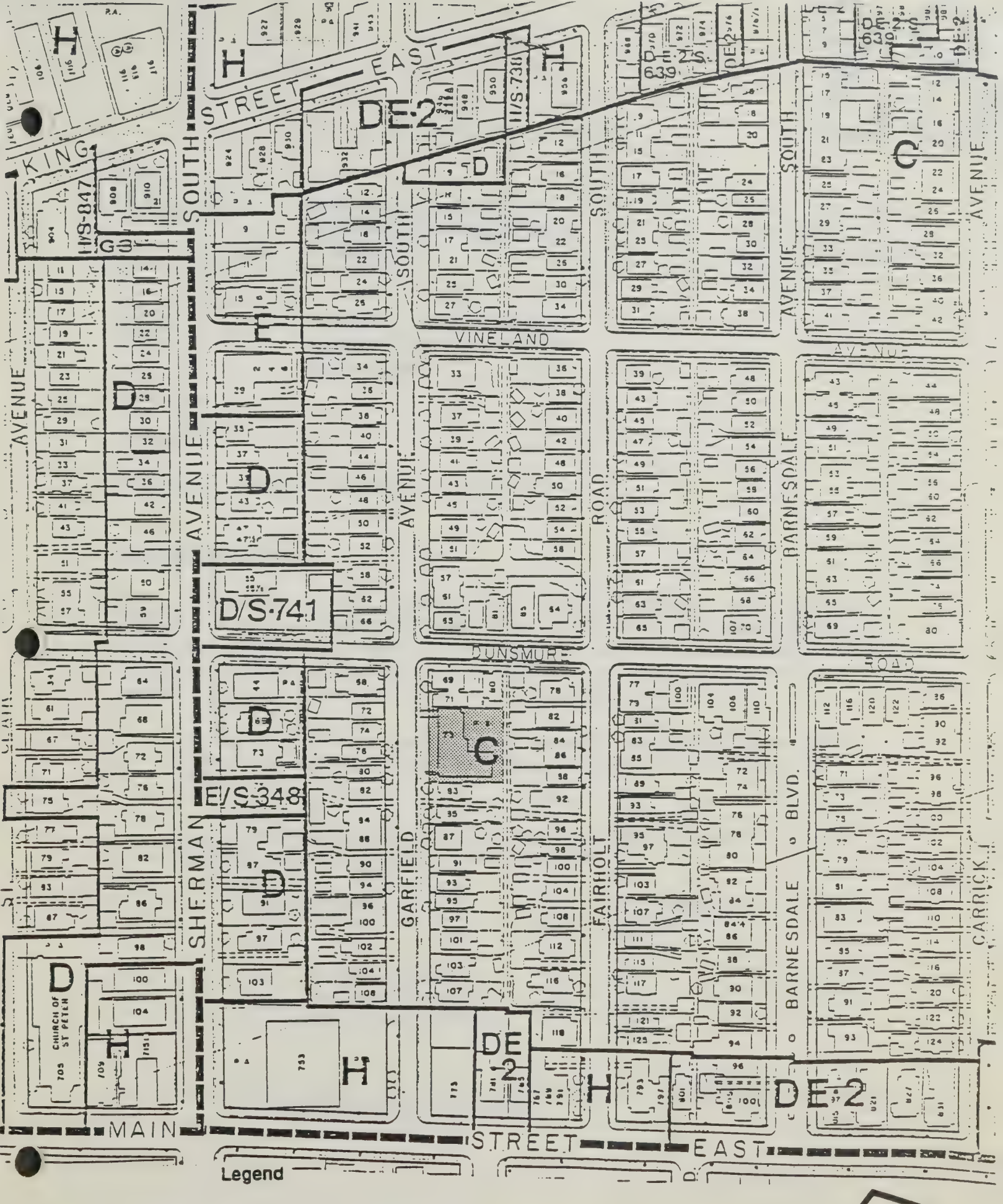
6. To ensure an adequate and functional parking area, it would be appropriate to place the subject lands under Site Plan Control.

7. The Hamilton-Wentworth Engineering Department has advised that the steps of the existing building encroach into the Garfield Avenue road allowance and that an encroachment agreement with the City of Hamilton is necessary. Given this concern, it would be appropriate to hold the amending By-law in abeyance until such time as the applicant has entered into an encroachment agreement with the City.

CONCLUSION

Based on the foregoing, the amended application can be supported.

MLT/ma
WPZA9028


KING
STREET
EAST
SOUTH
AVENUE
VINELAND
AVENUE
SOUTH
AVENUE
SOUTH
AVENUE
AVENUE
ROAD
BARNESDALE
BLVD.
SHERMAN
AVENUE
GARFIELD
AVENUE
FAIRHOLT
ROAD
CARRICK
AVENUE
DUNSMUIR
ROAD
MAIN
STREET
EAST
US-847
US-730
D/S-741
E/S-348
CHURCH OF ST PETER
Legend
Site of the Application
ZA 90-28

28.

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: May 7, 1990
COMM. FILE:
DEPT. FILE: ZA-90-27
Rymal Neighbourhood

FROM: JIM THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT
DEPARTMENT

SUBJECT:

Request for a modification in zoning - No. 105 Nebo Road.

RECOMMENDATION:

That approval be given to Zoning Application 90-27, S.&J. Food Distributors, owner, requesting a modification to the "M-14" (Prestige Industrial) District regulations to permit a restaurant [37.16 m^2 (400 sq. ft.)] having a seating capacity of approximately 30 persons in conjunction with the existing food distribution warehouse, for the property located at No. 105 Nebo Road, as shown on the attached map marked as APPENDIX "A" on the following basis:

i) That the "M-14" (Prestige Industrial) District regulations, as contained in Section 17F of Zoning By-law No. 6593, be modified to include the following variances as special requirements:

a) That notwithstanding Section 17F(1)(b), the following accessory uses shall be permitted in conjunction with the existing use:

Accessory Use		S.I.C. Identification Number
1)	Restaurant, Licensed; or	9211
	Restaurant, Unlicensed	9212
2)	Take Out Food Services	9213

b) That notwithstanding Clause a), the restaurant shall not exceed 37.16 m^2 in area and a seating capacity of 30 persons.

ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-59D be notated S- ;

iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-59D for presentation to City Council;

iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the by-law is to provide for a modification to the "M-14" (Prestige Industrial) District regulations, for the property located at No. 105 Nebo Road, as shown on the attached map.

The effect of the by-law is to permit the following accessory uses in conjunction with the existing food distribution warehouse:

Accessory Use		S.I.C. Identification Number
1)	Restaurant, Licensed; or	9211
	Restaurant, Unlicensed	9212
2)	Take Out Food Services	9213

In addition, the by-law restricts the restaurant to a maximum floor area of 37.16 m^2 and a seating capacity of 30 persons.

A.L. Georgieff, M.C.I.P.
Director of Local Planning

J.D. Thoms
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS:

N/A

BACKGROUND:

The applicant wishes to use approximately 400 sq. ft. of his existing 5,000 sq. ft. food distribution warehouse for a sit down restaurant and 850 sq.ft. for the deli/take out restaurant. He has indicated the site contains approximately 15 parking spaces.

LOT SIZE AND AREA:

- o 22.7 m (74.47 ft.) of lot frontage on Nebo Road;
- o 60.9 m (199.8 ft.) of lot depth on Hempstead Road; and,
- o 1,382.43 m^2 (14,880.8 sq. ft.) of lot area.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	food distribution warehouse	"M-14" (Prestige Industrial) District
Surrounding Lands		
to the north, south east and west	industrial and commercial uses	"M-14" (Prestige Industrial) District

OFFICIAL PLAN:

The subject lands are designated INDUSTRIAL on Schedule "A" and are within Special Policy Area 11 on Schedule "B". The following policies apply, among others:

"A.2.3.1 The primary uses permitted in the areas designated on Schedule "A" as INDUSTRIAL will be for industry. In this regard, industry is defined as manufacturing, processing, warehousing, repair and servicing. In addition to the primary permitted uses, the following uses may be permitted within INDUSTRIAL areas:

i) Uses that are incidental to INDUSTRIAL operations such as retail and wholesale enterprises which are operated as subsidiary functions of an INDUSTRIAL establishment; and

ii) Business enterprises such as, but not limited to, banks, restaurants, garages, material suppliers, etc., which are intended to directly serve the Industries and their personnel.

A.2.3.13 The LIGHT INDUSTRIAL category applies to those Industrial uses that have a minimal impact on surrounding land uses and, as set out in Subsection A.2.9.3, are shown on Schedule "B" as Special Policy Area 11. Generally, LIGHT INDUSTRIAL USES will be encouraged to concentrate in a designed community like precinct such as the East Mountain Industrial Park.

A.2.3.14 The primary uses permitted in this category may include, but not be limited to: warehousing; light manufacturing and assembly; laboratories and research facilities, communication facilities and printing and publishing plants."

Based on Policy A.2.3.1i), the proposal complies with the Official Plan since the restaurant can be considered a subsidiary function to the food distribution warehouse.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Restricted Industrial" in the Mountain Industrial Neighbourhood Plan. Since the restaurant is considered to be an ancillary use to the food warehouse, the proposal does not conflict with the intent of the approved Plan.

RESULTS OF CIRCULARIZATION:

o The following Departments and agency have no comments or objections:

- Economic Development Department;
- Traffic Department;
- Hamilton Region Conservation Authority.

o The Property Department has advised that:

"This type of change leans in the direction of a commercial development and as a result you may have Nebo Road looking like the Upper James "Golden Mile."

o The Building Department has advised that:

"1. The present permitted use is a wholesale business with a warehouse and 25% floor area for retail sales purposes.

2. A restaurant and take-out food service is not permitted.

3. To permit the proposed additional uses, the S.I.C. classification are 9211 Restaurant, licensed, or 9212 Restaurants, unlicensed and 9213 Take-Out Food Services.

4. The proposed dining area of 37.16 m^2 (400 square feet) shall permit a maximum seating capacity of thirty (30) persons, which requires five (5) parking spaces.

5. The existing DA-81-54 indicates fifteen (15) parking spaces, which shall be sufficient for the proposed uses."

o The Hamilton-Wentworth Engineering Department has submitted no comment to date.

COMMENTS:

1) The proposal complies with both the Official Plan and the approved Mountain Industrial Area Plan.

2) The proposal has merit and warrants consideration for the following reasons:

a) the proposed use will be accessory to the principle use - food distribution warehouse;

b) it will not undermine the primary industrial function of the area;

c) it is not out of character with the surrounding uses which includes a miniature golf centre/ restaurant south of the subject lands recently established in the industrial park (ZA-89-26);

d) it will serve the personnel from the surrounding industries in the area; and,

e) adequate parking can be accommodated on the site; 5 of the 15 parking spaces will be allocated to the restaurant and only 4 are required for the warehouse retail portion.

3) Since the proposed restaurant is to be contained within the existing building and additional parking is not required, an amendment to the Site Plan will not be required.

CONCLUSION:

Based on the foregoing, the proposal can be supported.

JHE/ma
WPZA9027



Legend

Site of the Application

ZA 90-27

29.

FOR ACTION

REPORT TO:	**SUSAN REEDER, SECRETARY PLANNING AN DEVELOPMENT COMMITTEE**	**DATE:**	**May 15, 1990**
		COMM: FILE:	
		DEPT: FILE:	**CI-90-C Riverdale West Neighbourhood**
FROM:	**J.D. THOMS, COMMISSIONER PLANNING AND DEVELOPMENT DEPARTMENT**		

SUBJECT:

Request for a modification in zoning - Lands located on the east side of Lake Avenue North, south of Barton Street East.

RECOMMENDATIONS:

1) That approval be given to City Initiative 90-C, for a modification to the "A" (Conservation, Open Space, Park and Recreation) District regulations, to permit the development of the subject lands for a senior citizens drop-in centre, for the property located on the east side of Lake Avenue North, south of Barton Street East, as shown on the attached map marked as APPENDIX "A", on the following basis:

   i) That the "A" (Conservation, Open Space, Park and Recreation) District regulations, as contained in Section 7 of Zoning By-law No. 6593, be modified to include the following variances as special requirements:

      a) That notwithstanding Section 7(1), a senior citizens drop-in centre shall be permitted.

      b) That no building or structure shall be located less than 7.62 m from the "top-of-bank".

      c) That any parking lot or other accessory structure shall be setback a minimum of 1.5 m from the "top-of-bank".

   ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Maps E-113 and E-114 be notated S- ;

   iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-113 and E-114 for presentation to City Council;

iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

v) That the Riverdale East Neighbourhood Plan be amended by redesignating the subject lands from "Open Space" to "Park and Recreation".

2) That By-law No. 79-275, as amended by By-law No. 87-223, establishing Site Plan Control, be amended by adding the subject lands to Schedule "A".

3) That the amending by-law be held in abeyance until such time as a survey plan of the "top-of-bank" has been submitted to the satisfaction of the Hamilton Region Conservation Authority.

EXPLANATORY NOTE:

The purpose of the by-law is to provide for a modification to the "A" (Conservation, Open Space, Park and Recreation) District regulations for the property located on the east side of Lake Avenue North, south of Barton Street East, as shown on the attached map.

The effect of the by-law is to permit the development of the subject lands for a senior citizens drop-in centre.

In addition, the by-law provides for the following special requirements:

- no building or structure shall be located less than 7.62 m (25 ft.) from the "top-of-bank".
- no parking area or accessory structure shall be located less than 1.5 m from the "top-of-bank".

A.L. Georgieff, M.C.I.P.
Director of Local Planning

per **J.D. Thoms, M.C.I.P.**
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS:

N/A

BACKGROUND:

o Previous Application

In 1987, the property located at No. 53 Lake Avenue North (south of the subject lands) was rezoned to permit a seniors centre within the existing building. Due to technical difficulties, the site was not appropriate for the intended use.

o Proposal

City Council, at its meeting of February 13, 1990 approved the construction of a senior citizens drop-in centre on the subject lands and directed the Property Department to initiate the rezoning application.

In the March 27, 1990 report from the Property and the Culture and Recreation Departments to the Park and Recreation Committee, it was indicated "that the net loss of parkland to the public is NIL due to the return of parkland of the 53 Lake Avenue property."

The one storey building will contain a lounge/dining area suitable for games, cards, etc., a small kitchen and an additional meeting room. It will accommodate approximately 50 people. Parking for 9 cars will be provided on-site.

The trees on the site are intended to be maintained.

LOT SIZE AND AREA:

The property is irregular in shape having:

o 77.65 m (254.76 ft.) of lot frontage on Lake Avenue North; and,

o 0.54 ha (1.3 ac.) of lot area.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	vacant	"A" (Conservation, Open Space, Park and Recreation) District

Surrounding Lands

to the north, south and east	open space	"A" (Conservation, Open Space, Park and Recreation) District
to the west	single-family dwellings, townhouses	"D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses etc.) District "DE-2" (Multiple Dwellings) District

OFFICIAL PLAN:

The subject lands are designated "OPEN SPACE" on Schedule "A". The following policies apply:

"A.2.4.1 The primary uses permitted in the areas exceeding .4 hectare designated on Schedule "A" as OPEN SPACE will include developed or undeveloped parks of local or area wide appeal; public or private recreation areas; pedestrian pathways; conservation uses, horticultural nurseries, forestry and wildlife management areas; and hazard lands which may pose a threat to life and property because of inherent physiographic characteristics (in accordance with the Hazard Lands provisions of Subsection A.3.1 of this Plan).

A.2.4.2 The following ancillary uses may be permitted in OPEN SPACE areas: Limited Commercial uses which are ancillary to and support the primary OPEN SPACE Use; and all other uses which, in the opinion of Council, complement and do not interfere with the primary intended use of the area.

A.2.4.7 Council will ensure that recreational oriented development within areas designated as OPEN SPACE will be designed so as to complement the natural environment."

Based on the above, the proposal complies with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Open Space" in the approved Riverdale East Neighbourhood Plan. A redesignation from "Open Space" to "Park and Recreation" is required to permit the proposal.

RESULTS OF CIRCULARIZATION:

o The following Departments have no comments or objections:

- Building Department; and,
- Regional Police.

o The Public Works Department has advised that:

"The Public Works Department has no objection to the proposed zoning modification, however, the Parks Division requests the opportunity to review and approve the landscaping concept, for the centre."

o The Hamilton Region Conservation Authority has advised that:

"The planning staff of the Hamilton Region Conservation Authority has considered the above proposal and notes that the subject lands back onto the Stoney Creek ravine. The site is bounded by steep ravine slopes on three sides. To protect ravine slopes, the Authority has adopted planning guidelines which recommend as follows:

a) A minimum 7.62 m building setback from top of bank,

b) Maintenance of existing grades and vegetation below top of bank,

c) Top of bank to be established by survey.

Top of bank was staked on-site by Authority staff and a City crew on March 28, 1990. A copy of the survey should be forwarded to Authority for approval. Based on our visual inspection, there appears to sufficient land area on the property to accommodate the intended use without the need to encroach beyond the top of bank.

Accessory structures such as parking lots, swimming pools, etc. are permitted within the 7.62 m building setback zone. However, it is our past experience that where permitted, these structures often lead to encroachment by fill at/or below the top of bank. In this connection, parking areas and other accessory structures on this site should be setback 1.5 m from the surveyed top of bank.

In conclusion, we have no objection to the proposal to rezone the subject lands for a senior citizens drop-in centre. The zoning amendment should apply to table lands only as defined by the top of bank survey. Existing zoning on the ravine slopes and valley below should not change. A copy of the site plan for the proposed development should be circulated to Conservation Authority staff for review and comment before the by-law is circulated."

o The Hamilton-Wentworth Engineering Department has verbally advised that there are no sidewalks planned for the east side of Lake Avenue North in the area north of Lake View School. Sidewalks may be installed through local improvements or through the project.

"Public watermains and separate storm and sanitary sewers are available to service the subject lands.

The designated road allowance width of Lake Avenue is 26.21 m (86 feet). According to our records and Plan L-107B surveys, Lake Avenue was previously widened by By-law No. 73-75 and we do not anticipate any further road allowance widenings at this time.

In the absence of any details shown we advise that any works which may occur within the Lake Avenue road allowance, as widened, must conform to the City of Hamilton Streets By-law."

Traffic Department to comment on access design, etc.

We have reviewed this application based on the feet that the south limits of lands to be rezoned are -+ 575 feet south of Barton Street. If this boundary changes and the lands are located further south, the access will be closer to a significant vertical crest curve on Lake Avenue and there may be restrictions on the location of a proposed access to Lake Avenue etc.

o The Traffic Department has verbally advised that they are not opposed and a signed cross-walk may be provided, should the demand warrant one. They are not opposed to the rezoning.

COMMENTS:

1) The proposal complies with the intent of the Official Plan.

2) The proposal does not comply with the approved Riverdale East Neighbourhood Plan. A redesignation from "Open Space" to "Park and Recreation" is required.

3) The proposal merits consideration for the following reasons:

   a) there is a need for a senior citizens facility in the east end of the city;

   b) the facility will cater only to senior citizens who will use it for passive recreational activities;

   c) the use would be compatible with existing development in the surrounding area, including the adjacent city owned park and open space uses;

d) the site can provide adequate on-site parking; and,

e) it does not conflict with the intent of the Official Plan.

4) In terms of pedestrian access, Achitects Department has indicated that it may be possible to provide a walkway running north from the seniors citizen centre to Eastview Avenue on the east side of Lake Avenue.

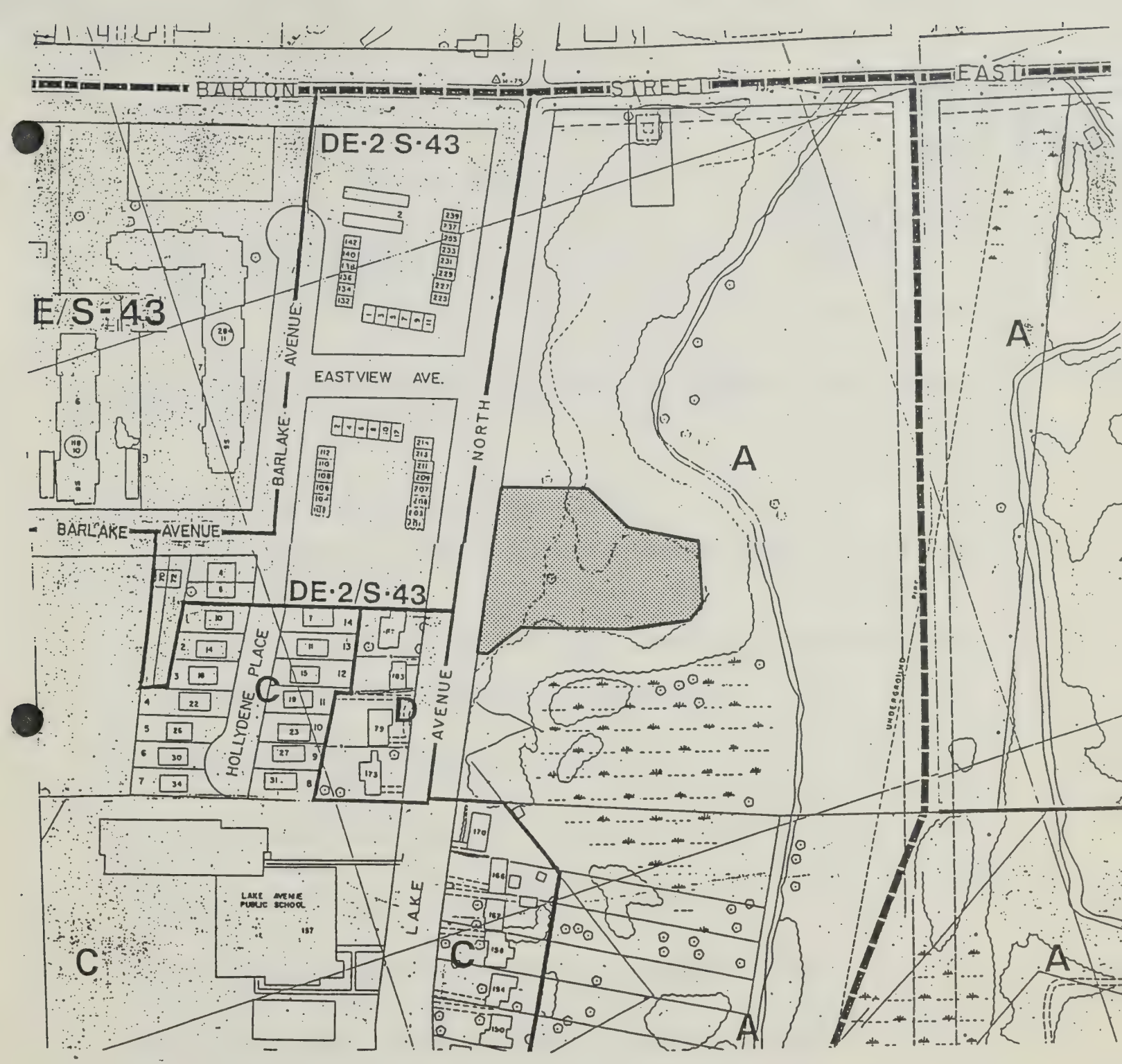
5) Since the site abuts an open space area and there are steep slopes to the rear of the property, it is appropriate to place the lands under Site Plan Control. In this regard, grading, access, parking, etc. may be reviewed during the site plan approval process. Furthermore, the concerns of the Conservation Authority can be addressed.

6) In keeping with the request of Hamilton Region Conservation Authority, passing of the implementing by-law should be held in abeyance pending the submission of a survey showing the "top-of-bank" to the satisfaction of the Authority staff.

CONCLUSION:

Based on the foregoing, the proposal can be supported.

JHE/ma
WPCI90C



Legend

Site of the application

CI 90-C

APPENDIX A

FILE-C1-90-C

MAY 15 1990

29a.

May 11, 1990

Peter Corradetti
90 Strawberry Dr.
Stoney Creek, Ont.
L8E 4R4

Copy to: Mr. Fred Lombardo
Mr. Dominic Agostino
Mayor Bob Morrow

MAY 15 1990

Reference to Re-zoning Change of parkland on Lake Ave. near Barton St. and Eastview Ave.

To The Planning and Development Committee,

I am submitting my formal opposition to the above zoning change for the following reasons.

(a) It is the best piece of natural parkland in the area that is visible and accessible by a main street.

(b) The land in question is too small.

(c) The complex will have too few parking spaces.

(d) The area is not in a central location.

(e) The land in question was just re-zoned in 1985.

(f) It is a total waste of taxpayers money because:

- A totally new site and building is not necessary.
- The city should incorporate Lake Avenue School, which is underutilized at the moment. This is the only logical choice because it would save the taxpayers thousands of dollars at the same time it would not allow for the decimation of a beautiful piece of parkland.

MAY 15 1990

- Money is already allocated for soil testing, when the project has not been approved yet.

I am very surprised to learn how fast this zoning change process is going, that it almost makes me think that there is some sort of political motive behind this whole project.

Hamilton's ratio of parkland versus population, is one of the lowest in the province. This is a disgrace.

I believe that if the political process is just, the residents in the area should have the final say. Remember, that the politicians are elected by the citizens, and they are to represent and act on behalf of the citizens. If the majority of the local citizens are in opposition to this zoning change, then the elected official has no option, but to vote against the project.

I am in <u>opposition</u> to the <u>zoning change,</u> **NOT** the idea of a **Senior's drop-in center.**

I will be monitor this whole project very carefully.

Sincerely,

Peter Corradetti

Peter Corradetti

296

"Copy to Mr. A. Georgieff, Director of Local Planning and Ms. Patrice Noé Johnson, City Solicitor - 1990 April 3rd".

The Riverdale East & West
Ravine Action Committee
c/o F. Di Trapani
152 Bow Valley Drive
Hamilton, Ontario
L8 E 3J1

APR 3 1990

March 29 , 1990

City Clerks
c/o S. Reeder
Hamilton City Hall
71 Main Street West
Hamilton Ontario
L8N3T4

Dear Ms. Reeder,

This letter is sent to you in order to formally register the opposition of H. Wassenberg, 225 Lake Avenue, of Mr. A. Cooper, 207 Lake Avenue ,and Ms. J. Peever, 112 Barlake and the Riverdale East & West Ravine Action Committee to the re-zoning of parkland located on Lake Avenue and Eastview. We ask that the Parks and Recreation to recind the Feb. 13 section 3 of the second report.

We request that you record our opposition and that you inform us when this issue comes before the Planning and Development committee. We also request that you enter the above group who wish to speak at the time this issue comes before the Planning and Development Committee.

Yours Truly,

F Di Trapani

Riverdale East & West Ravine
Action Committee
c/o F. Di Trapani

cc. Ald. Fred Lombardo
Ald. D. Agostino
Ald. J. Smith

Mr. B. Sugden
Director of Culture & Rec.
Mr. D.W. Vyce
Director of Property

City Clerk
Paul Mallard,
Div. Head Land Use And Urban Design

Notice of Hearing sent.
1990 Apr 4

Note: Over 200 petitions received. Package will be at the meeting

MAY 1 6 1990

Dear Aldermen

Enclose you will find information regarding our position to the re-zoning of much needed Parkland on Lake Ave near Eastview and Barton St. E.

Protect Our Lake Avenue Parkland

An attempt is being made to eliminate the parkland on the east side of Lake Avenue near Barton Street. A plan is presently being pushed through municipal committees to have the park rezoned to allow for the construction of a senior citizen's centre. A public meeting on the rezoning is expected to take place soon.

There is no doubt that this area is in need of a seniors' centre. Promises have been made by city politicians for a community centre since at least 1970 with no results. There is also no doubt that this area needs all the parkland and green space it can get. This was recognized in 1985 when the block of land now being considered for the seniors' centre was rezoned from Light Industrial to "A" zoning (Conservation, Open Space, Park and Recreation). But whatever the zoning, parkland in Hamilton never seems to be secure, and here again the municipal politicians are trying to steal our parkland for their own purposes.

Why is this facility scheduled to be built on parkland? Apparently the only reason is because it is easier to grab this land than to LOOK for alternative sites! There are several other sites available to the city for the seniors' centre including several properties owned by the school boards. School board officials have indicated willingness, indeed eagerness, to cooperate in the construction of a joint use facility which would not only NOT be built on parkland but would also provide the seniors with the opportunity to make use of school facilities. For example, the seniors' centre planned for the Lake Avenue parkland would only have room for cards games of about 50 people – far fewer than could be accommodated in any school gymnasium.

Joint use of school land for community centres is already official policy of both the municipal government and the school boards and numerous examples of this sensible use of our tax dollars exist in Hamilton – at Laurier, Westmount, Churchill, etc. But the city has decided to not even approach the school boards.

Why? They say because they are in a big hurry. Having delayed for over twenty years and having now slashed the project from a full community centre to one just for seniors, they are now saying the project must be completed by Christmas of this year. Consequently they have not even considered school land sites, of which there are some within one block of the parkland they are planning to grab. Their rush is such that last month they proposed that "the city take an unusual step and complete the soils investigation, the working drawings and the specifications at a cost of approximately $22,000.00 before re-zoning is approved," (Parks and Recreation Committee minutes of March 28, 1990 - their emphasis). As they go on to point out "if the re-zoning is not successful, the City will have expended $22,000.00 that will not be recaptured."

The seniors' centre was originally scheduled in 1988 to be built on another piece of parkland at 53 Lake Avenue, on property that was given to the city some years ago for incorporation into Warden Park. Since this plan has now been scrapped, the city politicians supporting the new park site are claiming (absurdly) that there will be no net loss of parkland because the 53 Lake Avenue site will not be used. Of course this begs the question as to why they have to build on parkland in the first place.

There are many other problems with the Lake Avenue parkland site. The site is adjacent to a large marsh where many species of birds nest including Canada geese and mallard ducks. The site is surrounded on three sides by steep hills and was originally made into parkland because it is part of the Battlefield Creek floodplain, so there is a significant question about the long term stability of the property. Because the site area is very small, parking can only be provided for 17 cars, which both limits its size and will likely generate problems for neighbouring residents.

Even though it is planned as a seniors' centre, the site is not on a bus route; and even though it is supposed to serve the area from Redhill Creek to Grays Road, north of Queenston, it is certainly not centrally located. At the same time, there is almost no developed parkland in this entire area, especially in Riverdale East and West which together comprise over eleven thousand people. Under this plan there will be even less.

It is clear that the city politicians are following a course that is against the interests of all the residents of the area, including the seniors. One of the main users of parkland are our senior citizens, and to suggest that the only way they can get a community centre facility is to give up some of the area parkland is cruel and insensitive. Having dragged their feet for twenty years, the city politicians are now trying to use the rotten situation they have created by their delays to convince the local people to agree to the sacrifice of more parkland. We should not agree. We should demand both the seniors' centre and the preservation of our parkland. This is what is in our interests.

We urge you to contact your aldermen and tell them to do a proper search for a site, immediately, and to keep their hands off our parkland. We also urge you to come out to the re-zoning meeting when it is called and make your views known.

Name [illegible]
Address [illegible]
Telephone # [illegible]

Hamilton City Hall
7I Main Street West
Hamilton,Ontario
L8N 3T4

Attention: Alderman

Re: (A) Opposition of the criteria for the selection of the site for the Senior Citizen Drop-in Centre
(B) Opposition of the re-zoning for the site on Parkland on Lake Ave. near Barton Street and Eastview Avenue

I would like to make my position clear. I am not opposed to the Senior's Drop-in Centre. I recognize the need for such a complex within the boundary, North of Confederation, South of Queenston Road, West of Grays Road, and East of Redhill Creek.

As a resident of the immediate area, I question the criteria of how the site was selected and the reasons as to why much needed Parkland was chosen .

In order to have a sound and balanced planning for our community that would serve all its people long term and not just for immediate purposes, other sites other than city-owned sites or facilities must be examined. I also feel that in accordance to this, a multi-purpose facility as promised this community for many years and as suggested again in 1987, would better accomodate not only the needs of our Seniors, but the rest of the community alike. eg.. Churchill

Many factors should be considered to determine the feasability of such an undertaking, such as:
(A) a central location to assure accessability to all
(B) the proximity to main thoroughfares for safety purposes
(C) the need for and not the removal of our already deficient Parkland
(D) the need for a multi-purpose Centre to serve the needs of Adults, Children and our youth as well

Although I am in favour of an endeavour of this nature in this area, I would like to voice my opinion in opposition to the re-zoning of the selected site and the destruction of much needed Parkland on Lake Avenue and Eastview as well as opposition to the selection criteria of this site without consideration of other sites.

Sincerely,

[illegible]

A concerned resident.

Courtesy Copy

Ms. Margaret Cunningham
Hamilton Board of Education
Hamilton, Ontario

May 14, 1990

Dear Ms. Cunningham:

I am very concerned about the proposal to re-zone a strip of parkland on Lake Avenue near Barton Street in order to build a senior citizens' drop-in centre. I am certain that such a centre is needed, but I see no reason why it has to be built on parkland. Indeed, I understand that both the Public and the Separate school boards are very receptive to proposals for use of land they have in this area and to possible joint use of existing school facilities, some of which are underused. This would be much superior to using parkland for the centre.

As a member of the Hamilton Naturalists' Club and a local resident, I have spent many hours in the Stoney Creek and Battlefield ravines observing birds, wildlife, etc. Recently I have led two nature hikes of school classes from Collegiate Avenue Public School through the area (April 24 and 26), as well as a public nature walk organized by the Naturalists' Club (May 9/90). I believe that the proposed re-zoning and construction poses a serious threat to the wildlife in the ravines and the continued enjoyment of the area for passive recreation.

I am also one of some 300 people taking part in the Pitch In cleanup of these two ravines this week. Five schools (one of which is providing six classes) are participating as well as brownie, guide and scout groups and community volunteers.This shows the high value placed by the community on this area. This should cause second thoughts (especially among elected officials) about carving off a piece of parkland from this area.

The strip of parkland in question abuts on and overlooks a large marsh (on its south side) which is a nesting site for Canada Geese, Mallard Ducks and other waterfowl. The geese in particular are often seen on the strip of parkland itself, where some local residents have been able to feed them. That marsh also contains a colony of muskrats and at least two species of turtles, as well as many other bird and aquatic species. It is argueably the most valuable wildlife habitat in the ravines south of Barton Street, and I think the only wetland areas there that does not dry up in the summer months. Battlefield Creek runs past this marsh (on the east side) and along the base of part of the parkland that is up for re-zoning. In previous years, the creek curved in closer to the ravine hillside and there are still ponds in this area (see map). The bush to the east and north of the proposed seniors' centre (as well as between it and the marsh on the south) is home to numerous rabbits and squirrels as well as raccoons and smaller animals. Great Horned Owls and Great Blue Herons both frequent this area of the ravines, the latter particularly the marsh area. This is a very fragile ecosystem which should not be disturbed. Its presence, and the opportunity it provides for passive recreation, is also a very good argument for leaving the strip of parkland for public viewing and enjoyment of the area.

My concerns about possible destruction of habitat were greatly increased last month because of an incident that took place on the east side of the ravine near Queenston Road. A sewer construction crew contracted by the Region of Hamilton-Wentworth, callously dumped a large amount of silt into Stoney Creek on April 9, resulting in the decimation of a section of the spring spawning run and the invertebrate population of the stream. The incident took place after the region's engineering department gave the crew wrong information about the location of water mains, leading to the bursting of a main sometime on Sunday night, April 8. This filled up a large excavation previously dug by the sewer construction crew. Instead of allowing the tile drainage present in the field to naturally drain the area, the crew illegally (without a permit from the Hamilton Region Conservation Authority) dug a trench from their excavation to the ravine and drained the water and tons of mud into the creek resulting in the fish and invertebrate kill. This incident is currently under investigation by both the Ontario Ministry of the Environment and the Ministry of Natural Resources.

The construction being proposed for the parkland on Lake Avenue poses an even greater threat since it is to be carried out so close to the ravine edge and so close to the valuable marsh habitat. If the re-zoning proceeds, no construction work should be begun

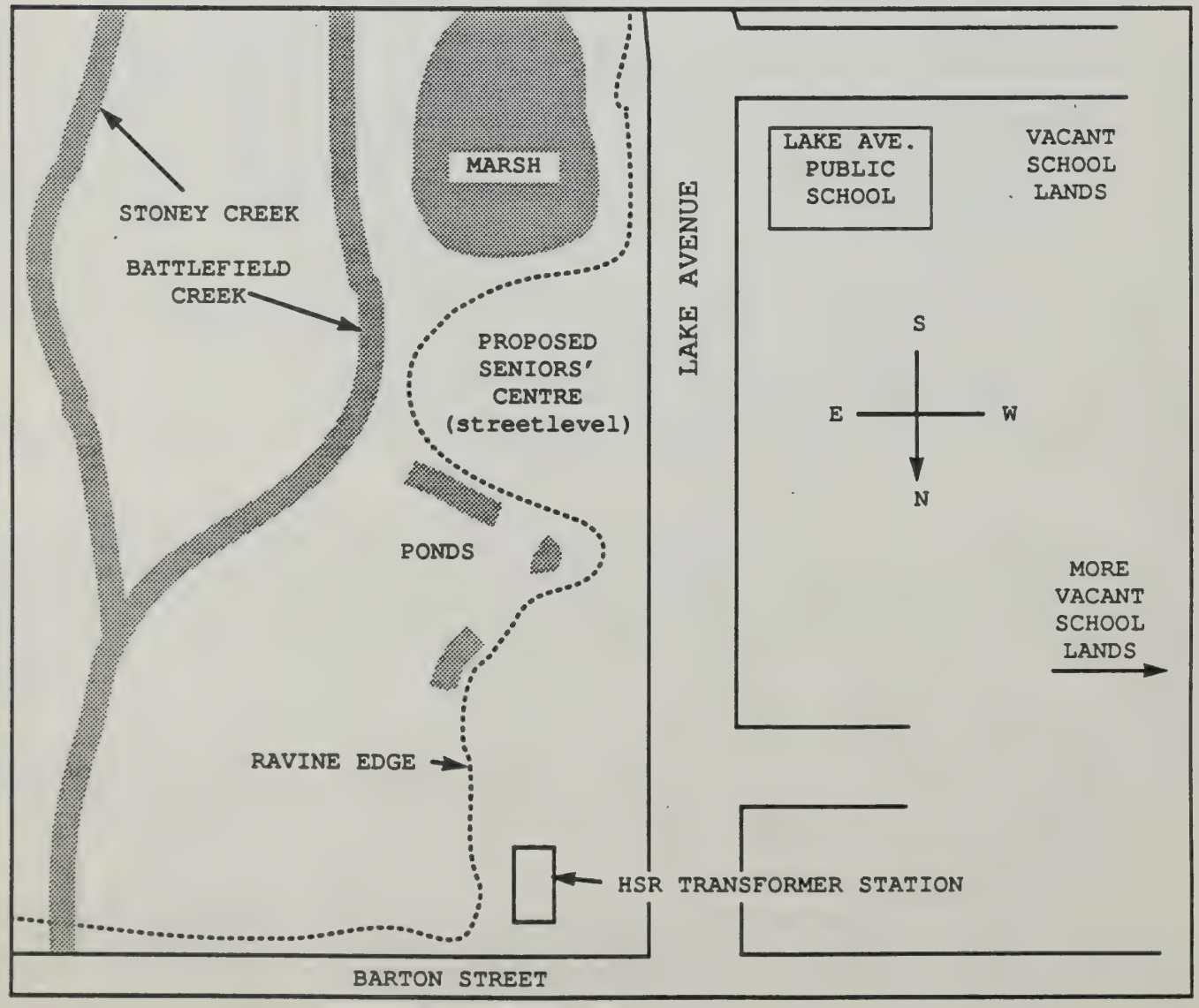
without an environmental assessment and stringent safeguards. This is another good reason why the re-zoning should not be approved.

Hamilton has an unenviable reputation of caring little about the preservation of parks and green space. One has only to remember the fiascos of Red Hill Creek, Olympic Park and the handing over of parkland to the Hamilton Redbirds to realize that this reputation is well deserved. The prevailing attitude seems to be that parks are meant to have something built on them and no account should be taken of passive recreation and preservation of natural ecosystems. Although the proposed rezoning is for only a small piece of parkland, it follows the same rotten logic. When are we going to call a halt to this destruction of parkland and start taking the environment seriously?

I urge you to take whatever measures you can to stop this re-zoning of parkland. At the same time, every effort should be made to ensure that the need for a seniors' drop-in centre is taken care of. The two things are totally compatible. It is really outrageous to put one up against the other one.

Yours sincerely,

Don McLean
68 - 151 Gateshead Crescent
Stoney Creek, Ontario L8G 3W1
(416) 662-6901



95 Barlake #1012
Stoney Creek

MAY 17 1990

May 12th 90

To whom it may concern:
Why I am opposed to the senior's center on Lake Ave North (near Barton)

#1 there was a good location at the old Warden home, you could have handicap parking at the back; its handy to Queenston rd and the bus's, lots of seniors don't drive.

#2 They would be close to nearby park land where they could sit on benches & chat (lots of seniors do not play cards or belong to Clubs).

#3 I feel that the parkland should be left in its natural state (minus the human garbage that is) Its the home of countless

Geese, muskrat and other wild animals, where do they go? also our trees & wild flowers? a few years ago I would not have felt this way, but we do owe our future generation some park land so they can see first hand what the flora & fauna grow"

#4. We should still respect our seniors and understand their needs; But Their Horizons Mon/Thurs - 6:00 - 6C I dont know the times & days. Winona Seniors and probably lots more in Hamilton area (Parkdale School has one). If the centre is being used during off times e.g. daytime & week day evenings most churches will rent out their halls for a nominal fee

St Albans on Cape St Hamilton used to open its doors to the seniors especially on cold dreary winter months, I don't know if they still do.

Our little ones will only know concrete side-walks if all our Parklands are going to be swallowed up; Please Consider them too; save them some open spaces where they can roam, and have their little adventures.

#5 Parking- around the future site, parking is a problem now, what will more cars be like? Not to think of the extra flow of traffic on Lake Ave its a head-ache at times now.

#6 Some people do not use things that are available

to them, so if the new building is not used will it also be vandalized like the "Warden Home" and become an eye sore you can't put the land back to its virgin state so what happens then??

Thanking you for reading this letter, I cant make the meeting at Lake Ave School as I have a previous engagement.

Yours truly
Kate Wilson

PLANNING & DEVELOPMENT
LOCAL PLANNING BRANCH
File No.
Received
MAY 17 1990
TO | STAFF | INIT. | INFO. | ACT.

MAY 17 1990

Re: C1-90C

29d.

173 Lake Ave N.,
Stoney Creek (mailing)
Ontario
L8E 1K5

Dear Sirs:

I came home from overseas in Dec 1945 and purchased this property on Jan 31/46 and have lived there since June 27/1948.

We have seen many changes in this area, some for the better some for the worse.

In regards to this proposal for a senior drop in centre, we are both for it and we feel that in no way would it be detrimental to the existing neighborhood.

Should it go to a Municipal Board hearing, I would like to attend and speak.

Thanking you I remain,

Yours truly
Harlen Lee
Maude Lee

30.

FOR ACTION

REPORT TO: SUSAN K. REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, M.C.I.P.
COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: May 16, 1990
COMM.FILE:
DEPT.FILE: P5-4-2-15

SUBJECT

Rental Housing Protection Act - Renovation and Repair Application RR-90-001 for 14 Duke Street, Hamilton.

RECOMMENDATION

That the application for conversion, renovation and repair of units at 14 Duke Street, under the Rental Housing Protection Act, be approved, subject to the applicant providing the same or a similar number of new rental units (10 units) which are similar in rent and location to the existing units. Rental accommodation for the existing tenants must be provided in the same area and of similar quality and rent as the existing units.

A. L. Georgieff, M.C.I.P.
Director of Local Planning

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

EXPLANATORY NOTE

The application involves the provision of additional floor space for doctors offices, in a building with mixed residential/commercial use. All rental residential units in the building are to be renovated extensively, two residential units are to be converted to professional offices, and one new residential unit is to be provided, for an overall reduction of one residential unit.

BACKGROUND

Rental Housing Protection Act Application RR-90-001 for 14 Duke Street, Hamilton, was submitted in early March 1990 and was substantially amended in mid-April, 1990. The subject property is shown on the attached key map. The existing and proposed uses are outlined in the following:

Existing Tenancies		Occupancy	(Former) Rents
Basement:	1 bedroom unit	Vacant	$500
	Commercial unit	Occupied	
Main Floor:	Bachelor unit	Occupied	$350
	Bachelor unit	Vacant	$350
	Lawyers office	Occupied	
	Lawyers office	Vacant	
Second Floor:	1 bedroom unit	Vacant	$800 (large)
	1 bedroom unit	Vacant	$450
	1 bedroom unit	Occupied	$450
	1 bedroom unit	Occupied	$409.59
Third Floor:	Bachelor unit	Vacant	$251.39
	Bachelor unit	Vacant	$244.17
	1 bedroom unit	Vacant	$300
	1 bedroom unit	Vacant	$350
Total:	11 residential units (3 occupied) + 3 commercial uses		

The existing residential rent ranges are:

- Bachelor units $244.17 - $350
- 1 Bedroom units $409.59 - $500, plus one larger unit at $800

The remainder of the floor space is used for commercial purposes, namely lawyer's offices.

The applicant has stated that the building is presently in a delapidated state and that the units are rented on month to month basis.

Proposed Tenancies

The owner has applied under the Rental Housing Protection Act, for proposed renovation and changes in the use of the building. It is proposed that the main floor professional offices be expanded in size to doctors' offices occupying the entire main floor, and that two existing rental residential units be eliminated. One existing commercial unit would be converted to residential use. The remainder of the building would be renovated extensively to provide ten upgraded rental residential uses.

The proposed new uses would be as follows:

		Anticipated Rents
Basement:	2 bachelor units	$450 - $550
Main Floor:	Doctor's offices (entire floor)	
2nd Floor:	4 one bedroom units	$550 - $650
3rd Floor:	2 bachelor units	$450 - $550
	2 one bedroom units	$550 - $650
Total:	10 residential units + Doctor's Offices	

The net result would be a loss of 1 residential unit, and increased rents for the ten remaining rental units, due to the renovations.

The proposed renovations to the residential units include the provision of new flooring, bathrooms, kitchens and windows, which would require vacant possession.

The original application for this property, submitted in March, 1990, indicated a significantly different proposal. It stated that there were 14 existing rental residential uses, of which 10 would be converted to non-residential uses, leaving 4 two-bedroom units with rents of approximately $1,100 per month. This application was amended in mid April to reflect the current proposal. A related zoning application for the property, ZA-90-26 was also submitted, but withdrawn in mid April. The existing zoning permits the residential and commercial uses in the revised proposal, so a zoning amendment was not required.

APPLICABILITY OF THE RENTAL HOUSING PROTECTION ACT

The Act exists to help preserve the existing scarce supply of rental units, by regulating changes to rental units such as renovations, conversions, demolitions and severances. The proposed renovations and changes in use for the units at 14 Duke Street would be subject to the Act, since:

- the building has more than four rental residential units, namely eleven at present;

- three of the units are presently occupied; although even if all of the units were vacant, they would be subject to the revised Act, as long as the prior use was rental residential;

- one rental residential unit is proposed to be converted to non-residential uses, and the remaining rental residential uses are proposed to be renovated extensively requiring vacant possession; and,

- the existing rents involved are in the affordable range. Appendix "A" contains average rental rates for units of comparable size in the area. The figures indicate that the subject units have rents which are below or close to average, and are therefore considered affordable.

ANALYSIS

Under Section 7(1) of the Regulations to the Rental Housing Protection Act, the Municipal Council shall not approve an application under the Act unless it is satisfied that at least one of the following three criteria is met:

1. Physical Condition of Rental Building

If the subject rental property is structurally unsound, and would continue to be structurally unsound if the proposed renovations are not carried out, Council may approve the application.

The application states that the "building is in a delapidated state". The deficiencies include mainly items which can be repaired, such as one unit which is burned out following a fire; rundown and outdated kitchen and washroom fixtures; fire exits which do not operate properly, etc. There are no known major structural problems. The applicant is not seeking approval under this criteria.

2. Provision of Alternative and Replacement Accommodation

As contained in the Regulations to the Act, Council may give approval if the applicant agrees:

a) to provide the same number of new rental units in a similar rental range and in the same area as those for which approval is given; and,

b) to provide rental accommodation in the same area of similar quality and rent, either in the new rental units or in other existing rental property, to any tenant who is required to give up possession of a rental unit as a result of the approval.

The applicant for 14 Duke Street has stated that it may be possible that the existing three tenants could be accommodated during the renovations in other units in the building. Some units would likely be renovated or completed before others, so that tenants could move around in the building during renovations if they so desire. The applicant has stated that the new rents could be in the order of $450 - $550 for bachelor units, and $550 - $650 for one bedroom units, which are significantly higher than the existing rents of $244 - $350 for bachelor units and $409 - $500 for one bedroom units. The resulting increase in rents may range from 30% to 85% or more.

This magnitude of increase in rents would not appear to represent "similar" rents, and there are presently no guarantees in place that the existing tenants will be provided with renovated units.

3. Impact on the Overall Rental Housing Supply

As contained in the Regulations to the Act, Council may approve an application if, ..." in the opinion of council, the proposal does not adversely affect the supply of affordable rental housing in the municipality." The low vacancy rates for rental units in Appendix "A" indicate the shortage of available rental accommodation, especially within downtown Hamilton. The affordability of such units would be affected by the proposed renovations. Since there is an adverse impact, Council can only approve the application if mitigating measures are taken, i.e. supplying similar units.

CONCLUSION

The proposal will reduce the supply of affordable rental accommodation, due to the net loss of one rental unit and the increases in rents charged. Comments from the Ministry of Housing, who administer this Legislation, confirm that the proposal is subject to the Rental Housing Protection Act. It is recommended that the application be approved to reduce the number of rental units from 11 to 10, provided the applicant agrees to accommodate the existing tenants in units of similar location, quality and rent. The renovated units for which renovations are said to be necessary, should be rented at rates which are similar to the average area rents.

V.G.:ns
A:\RENTHOUS.PRO

APPENDIX "A"

RENTAL VACANCY RATES AND RENTS

RELEVANT TO 14 DUKE STREET

For buildings with six or more units, privately initiated

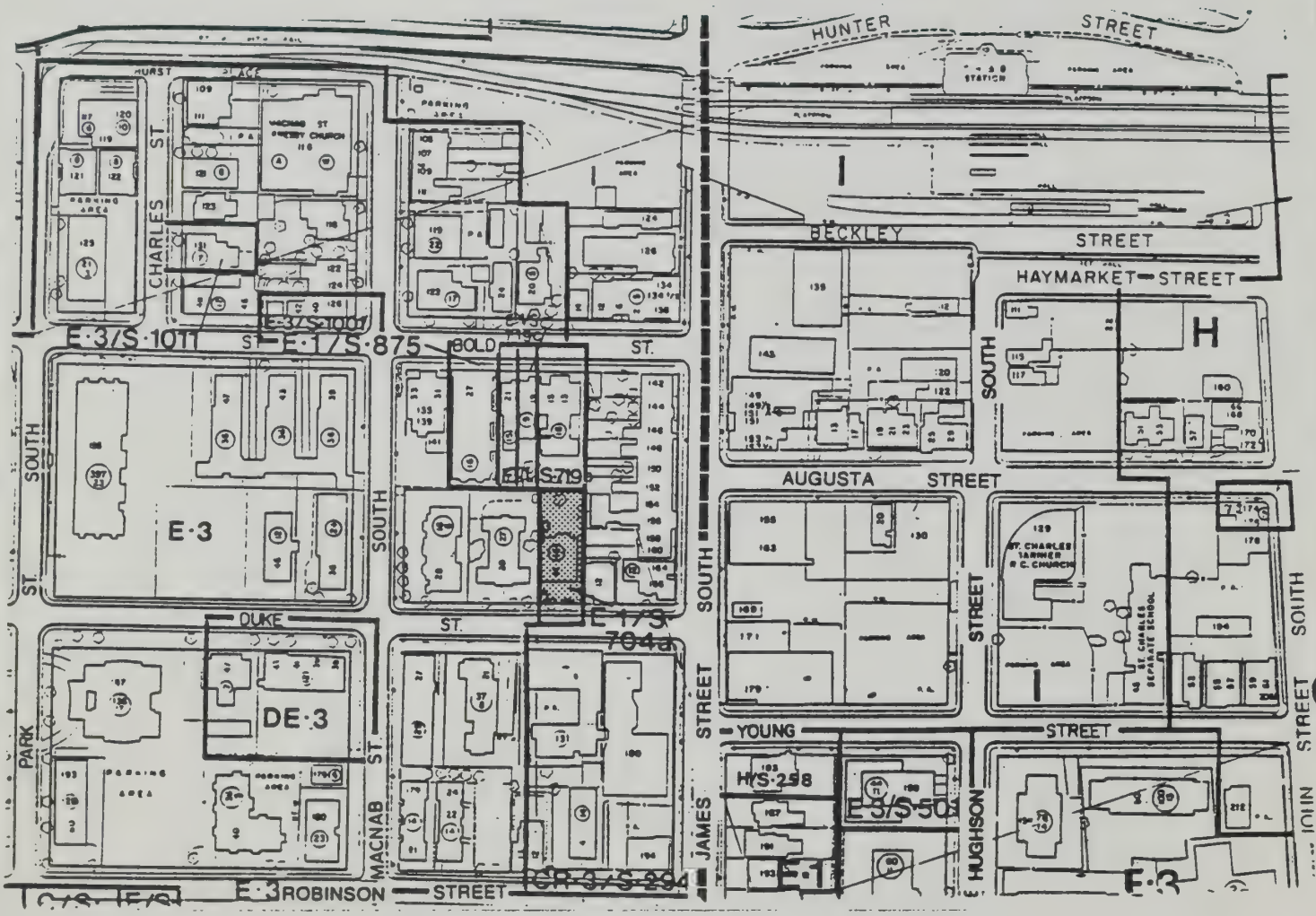
Area	Type	Vacancy Rate %	Vacant Units (Approx.)	Total Units	Average Rents
Downtown Hamilton	Bachelor	0.9	9	992	$316
	One Bedroom	0.3	18	5,742	$400
	Two Bedroom	0.3	10	3,996	$498
	All Units	0.3	37	11,022	
City of Hamilton	Bachelor	1.9	35	1,835	$316
	One Bedroom	0.4	64	14,843	$390
	Two Bedroom	0.5	66	13,890	$466
	All Units	0.5	165	31,961	
Hamilton - CMA	Bachelor	1.8	37	1,997	$319
	One Bedroom	0.4	68	18,053	$406
	Two Bedroom	0.4	82	18,968	$491
	All Units	0.5	191	41,162	

Notes:

1. Source: CMHC Rental Market Survey Hamilton CMA, October 1989, Tables 1, 3, 6, 9, 10, 11 and 14.

2. Downtown Hamilton for this purpose includes the area bounded by Queen Street, Cannon Street, Wentworth Street and the Escarpment, and includes the subject property.

3. Hamilton CMA includes Hamilton, Burlington and Grimsby.



NOTE: Extract from Durand Neighbourhood Zoning map.

City of Hamilton

Key Map

Rental Housing Protection Act
RR-90-001 14 Duke Street

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

Location of Subject Lands

North	Scale	Reference File No.
	NOT TO SCALE	RR-90-001
	Date	Drawn By
	APRIL, 1990	T.A.

FOR ACTION

31.

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

DATE: APRIL 18, 1990
COMM FILE:
DEPT FILE: P5-9-39

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT:

Upper James Street (West Side, Wembley to South Bend Roads) Land Use Review.

RECOMMENDATIONS

That the Planning and Development Committee:

1. Approve Option 2 and the accompanying Development Guidelines, as identified in Appendix "A", Upper James Street (Wembley to South Bend Roads) Land Use Review, as the recommended Land Use Strategy for the area west of Upper James Street, between Wembley and South Bend Roads; and,

2. Authorize the Planning and Development Department to hold a Public Meeting (in accordance with Sections 17 and 34 of the Planning Act, as amended) to consider amendments to the Official Plan and Zoning By-law, as required for the implementation of the Land Use Strategy (Option 2).

for A. L. Georgieff, M.C.I.P.
Director of Local Planning

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

implementation of these buffering features, as well as, parking layout, grading, etc. However, to further ensure the public that these provisions will be implemented, they should be incorporated into the site specific Zoning By-law amendment.

2) The buffering and location of refuse containers can be regulated through Site Plan Control. This will ensure that containers are properly located and buffered, with respect to adjacent residential uses.

3) As the area will be placed under Site Plan Control, the grading of proposed parking areas can be addressed during the Site Plan procedure, to ensure runoff from commercial uses is directed towards Upper James Street, rather than towards the adjacent residential uses.

Issue - Proposed Uses and Options

Comments:

1) Opposition by the public to private club as a permitted use.

2) Computer sales and service, musical instruments sales and instruction, quick print shop and office supplies should be included as proposed uses.

3) Option 3 is preferable, as it would provide "low rise development of much needed residential/commercial mix".

4) Businesses which operate outside the hours of 9:00 a.m. to 6:00 p.m., such as variety stores, would generate an unacceptable level of noise infringing upon adjacent residential uses, and should be prohibited until such time as there is no ongoing residential use along Upper James.

5) The properties fronting onto Upper James should be used for commercial uses with the properties fronting onto West First Street zoned for low to medium density seniors housing.

Responses:

1) Private Club has been removed from the list of proposed uses for Option 2.

2) It is not necessary to include office supplies as a proposed retail use, as a retail store selling books and stationary is already included. The remainder of the above noted uses have been added to the list of proposed uses.

3) Option 3 could provide residential/commercial development, however, given the disadvantages identified for this Option (see pages 14-15 of the Land Use Review), it is considered to be much less feasible than Option 2.

4) As the Zoning By-law does not regulate hours of operation, all the proposed retail uses would have to be deleted from the list of proposed uses, as they traditionally operate outside regular business hours (i.e. - 9:00 a.m. to 9:00 p.m., Monday to Saturday). This would be too restrictive in terms of the number of uses permitted and cannot be supported.

5) An Official Plan Policy could be used to encourage seniors housing for the above-noted area. However, once an area is zoned for multiple-family residential uses, there is no way of restricting housing to seniors residences. Further, as discussed in the Land Use Review, under Option 4 (pages 15 - 16), engineering services are not adequate and would require upgrading; extensive land assembly would be required; and some impact could be expected on the adjacent residential area. For these reasons, the above request cannot be supported.

Issue - Proposed Limitation to Existing Buildings

Comments:

1) Option 2 should be revised to eliminate the restriction to the existing structures.

2) Option 2 should be revised to permit residential/commercial developments up to two storeys in height and to encourage seniors residences.

3) Option 2 should be revised to allow extensions or enlargements to the existing structures.

4) That the two vacant lots in the study area would be developed for commercial uses not in keeping with the adjacent area, specifically, that yard setbacks and building dimensions would not be comparable to those of the existing structures.

Responses:

1-3) If Option 2 was revised to incorporate the above requested changes, the intent of Option 2 as noted below, would be negated:

- o to maintain the existing streetscape;
- o to minimize the impact on adjacent residential uses;
- o to minimize the impact on traffic and parking in the area; and,
- o to ensure that development standards are consistent for the area (Fennell to South Bend).

As well, the sewer system cannot accommodate any increased development density along Upper James. As such, the changes suggested cannot be supported.

4) A policy can be incorporated into the Official Plan Amendment that would permit development of vacant lots, in accordance with the permitted uses for the area and in keeping with the existing development in the area. As well, the Zoning By-law amendment can permit development of the vacant lots, and require development standards comparable to those in the "C" district. This would ensure that new development on vacant lots would not be out of character with the established area.

Summary of Written Submissions Received

- 7 were in favour of Option 1;
- 6 were in favour of Option 2;
- 1 was in favour of Option 3; and
- 3 were in favour of Option 4.

As can be seen above, a total of ten responses were in favour of some form of redevelopment or reuse for commercial and/or mixed commercial/residential uses (Option 2, 3 or 4). On the other hand, only seven responses were in favour of retaining the residential uses in the study area (Option 1). Of the ten responses in favour of commercial redevelopment or reuse, six preferred Option 2.

Further, it should be noted that nine responses were received from properties fronting onto Upper James Street. Of these nine responses, eight favoured commercial redevelopment or reuse, while only one would prefer the area to remain residential.

In conclusion, input received from the public suggests that the majority of the area residents would prefer to permit some form of commercial redevelopment or reuse. Public input also suggests that residents fronting on Upper James Street no longer view the area as suitable for single-family residential purposes and prefer that conversion for commercial uses be permitted. Conversely, residents along West First Street are concerned about the impact from proposed commercial uses fronting onto Upper James Street.

PROPOSED LAND USE STRATEGY

The Upper James Street (Wembley to South Bend Roads) Land Use Review identifies Option 2 as the preferred Land Use Strategy. In terms of public submissions, this strategy would also be preferable as it would allow properties fronting onto Upper James to convert for commercial uses, while minimizing all possible impacts on the adjacent residential area.

Accordingly, Option 2 is recommended as the most appropriate Land Use Strategy for the area. The following implementation methods would be required:

Official Plan Amendment

To implement Option 2, an Official Plan Amendment would be required to:

i) Redesignate the subject lands, from "Residential" to "Commercial";

ii) Establish a new Special Policy Area for the subject lands to:

- limit the types of commercial uses permitted;

- o to encourage proponents to retain a residential component, such as residential units above commercial uses on the ground floor;

- o to restrict commercial uses to the existing buildings, or where existing buildings are destroyed, they may be replaced by new buildings with the same external building dimensions;

- o to permit development of vacant lots only in keeping with the existing development in the area. As such, the height, bulk and setback of new structures will be consistant with those structures in the established area;

- o to encourage proponents for conversion to use innovative parking and access designs, such as shared access for adjacent commercial uses to limit the total number of accesses onto Upper James Street. In this respect, proposals which integrate the design of parking areas and accesses with those of adjacent existing or proposed Commercial uses will be given priority;

- o to encourage rear yard parking as opposed to front yard parking, to maintain the low profile streetscape; and,

- o to require adequate buffering (i.e. - landscaping and fencing) between Commercial uses fronting onto Upper James Street and adjacent Residential uses; and,

iii) To delete "Special Policy Area 38", applicable to the lands known as 678 Upper James Street. The provisions of the proposed Special Policy Area, as set out by ii) above, should be applied to 678 Upper James Street, to ensure comprehensive policy for the entire area.

Zoning By-law Amendment

To implement Option 2, a Zoning By-law amendment would also be required. The subject lands would be rezoned from "C" (Urban Protected Residential, etc.) District to "H" (Community Shopping and Commercial, etc.) District, modified, as follows:

i) Permitted uses will be limited to the following:

Residential

- o single family dwelling; and,

- o one dwelling unit in the same building with a permitted commercial use.

Commercial

- o business or professional person's offices;

- o photographer's or artist's studio but not including a motion picture studio;

- barbershop, hairdressing establishment, beauty parlour, physical fitness studio, reducing salon, shoeshine parlour or other like establishment;

- retail store selling:

  a) wearing apparel and accessories;
  b) furniture, homefurnishings, appliances;
  c) antiques;
  d) books and stationery;
  e) tobacco, gifts, novelties, souvenirs, newspapers and magazines;
  f) cameras and photographic supplies;
  g) jewellery;
  h) flowers plants and like goods sold or offered for sale by a florist;
  i) sale and dispensing of optical goods;
  j) computer sales and service;
  k) musical instruments sales and service; and,
  l) photocopy service;

- retail drug store;

- food store;

- retail variety store;

- showroom or sample room including such a room to deal with bona fide antiques but not including a second-hand shop, pawnbroker, shop for the sale of plumbing supplies or fixtures or a pet shop; and,

- commercial lending library or art gallery.

Institutional

- day nursery.

Public

- library; and,

- art gallery.

Accessory Use

- a wall, ground or projecting sign that complies with the following requirements:

  a) no sign shall exceed 1.2 metres in vertical dimension or 2.2 metres in area; and,
  b) no sign shall be illuminated unless the source of light is steady and suitably shielded to contain the illumination.

ii) Conversions will be limited to the existing buildings, in accordance with the following provisions:

a) All permitted uses will be limited to the existing buildings only.

b) Development of vacant lots will be consistent with the established development in the area. As such, the following regulations will apply to the development of vacant lots:

- a height restriction of 2 storeys;
- a front yard depth of at least 4.5 meters;
- a side yard along each side lot line of at least 1.2 meters; and,
- a rear yard of a depth of at least 7.5 meters.

c) Where existing buildings are destroyed, new buildings with the same external dimensions and floor area will be permitted, subject to the regulations set out in ii) b), above.

iii) Conversions will be subject to the following landscaping and buffering requirements:

a) In the event that any of the permitted commercial, institutional or public uses are established, to require:

- a visual barrier not less than 1.2 meters high and no more than 2.0 meters high; and,
- a 1.5 meter wide landscaped planting strip,

to be provided and maintained along the entire westerly rear lot line.

b) To require all lighting facilities at the rear of the commercial conversions to be installed and maintained so as to ensure that the light is directed away from all adjacent residential areas.

iv) Parking will be required on the basis of:

a) One space for every one dwelling unit for residential uses;

b) One space for every 19 m^2 of floor area for medical offices (including doctor, dentist, osteopath, drugless practitioner);

c) One space for every 6 children for day nurseries; and,

d) One space for every 31 m^2 of floor area for all other permitted uses.

The above-noted parking requirements are consistent with the regulations contained in the Zoning By-law.

Site Plan Control

The area should be placed under Site Plan Control. This would give the City further control over design aspects such as parking, landscaping, access, buffering, grading, etc.

Development Guidelines

The following Development Guidelines should be adopted by Council to provide guidance when evaluating proposals for commercial conversion.

1) In order to limit the total number of accesses onto Upper James Street, shared accesses with adjacent commercial uses will be encouraged. Innovative parking designs will also be promoted in order to maximize on-site parking while minimizing impacts on adjacent residential uses.

   In order to accommodate the above noted features, proponents will be encouraged to convert two adjacent properties simultaneously or to co-ordinate the design of parking areas and accesses with those of adjacent existing or proposed commercial establishments.

2) Wherever possible, parking areas should be located to the rear of the sites to maintain the low profile streetscape.

3) The following shall be provided, in order to buffer adjacent residential uses from parking areas;

   - 1.2 to 2.0 meter high visual barrier; and,
   - 1.5 meter wide landscaped planting strip,

   along all rear lot lines.

4) In addition to 3) above, wherever possible, landscaping should be used along the individual side lot lines to maintain and embellish the overall character of the area. As well, to provide buffering between commercial conversions and existing residential uses.

5) Refuse containers will be appropriately located and buffered (including visual barriers and landscaping) to minimize any adverse impacts on adjacent residential areas.

6) Rear yard paved parking areas should be graded so as to direct runoff towards Upper James Street, away from residential uses to the rear of the commercial sites.

7) All lighting facilities will be directed downwards and shielded or oriented away from adjacent residential uses. Light standards will be limited in height so as not to create a nuisance on adjacent residential uses.

30a

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MAY 1 6 1990

May 8, 1990

Secretary to the Planning and Development Committee,
Corporation of the City of Hamilton,
City Hall,
Hamilton, Ontario.
L8N 3T4

Re: Proposed change of No. 14 Duke Street

I've no difficulty with the proposals for change to the building. I note, however, that the map which is attached at the side of the application includes at its rear a small portion of land which is owned by me.

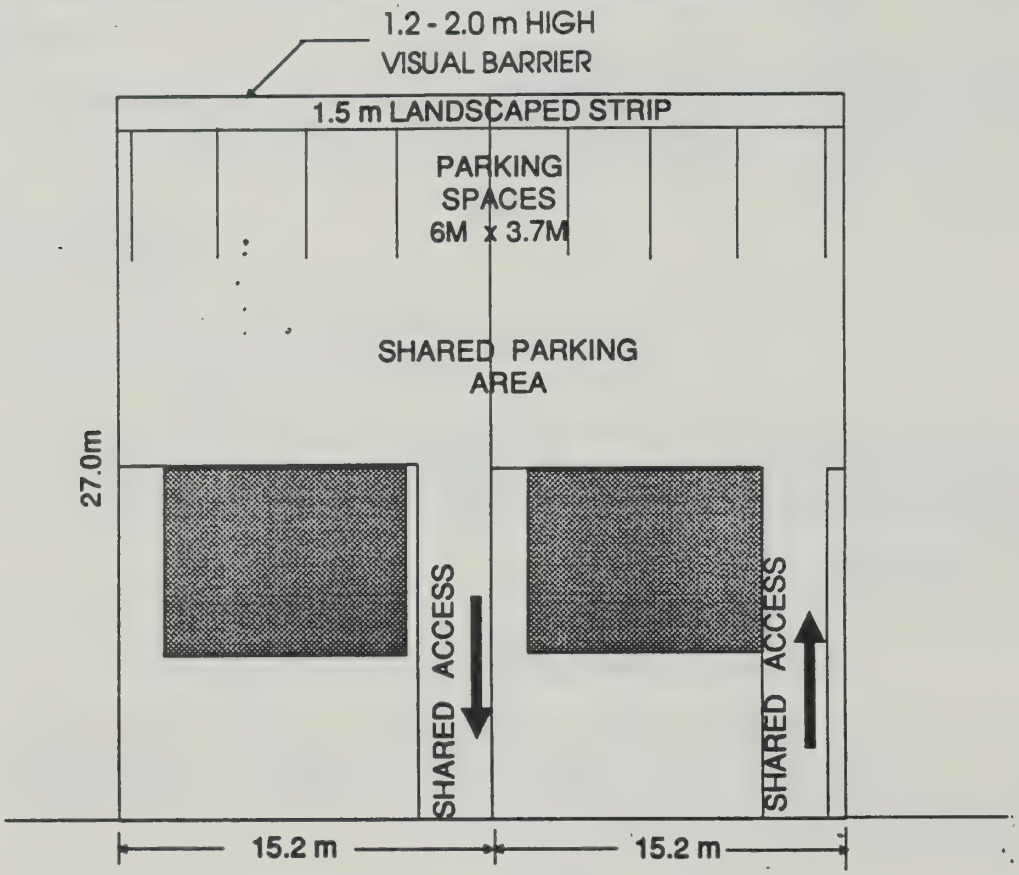
In the event that there are any site plan or other requirements required please insure that the site plan complies with the title to the land.

Yours truly,

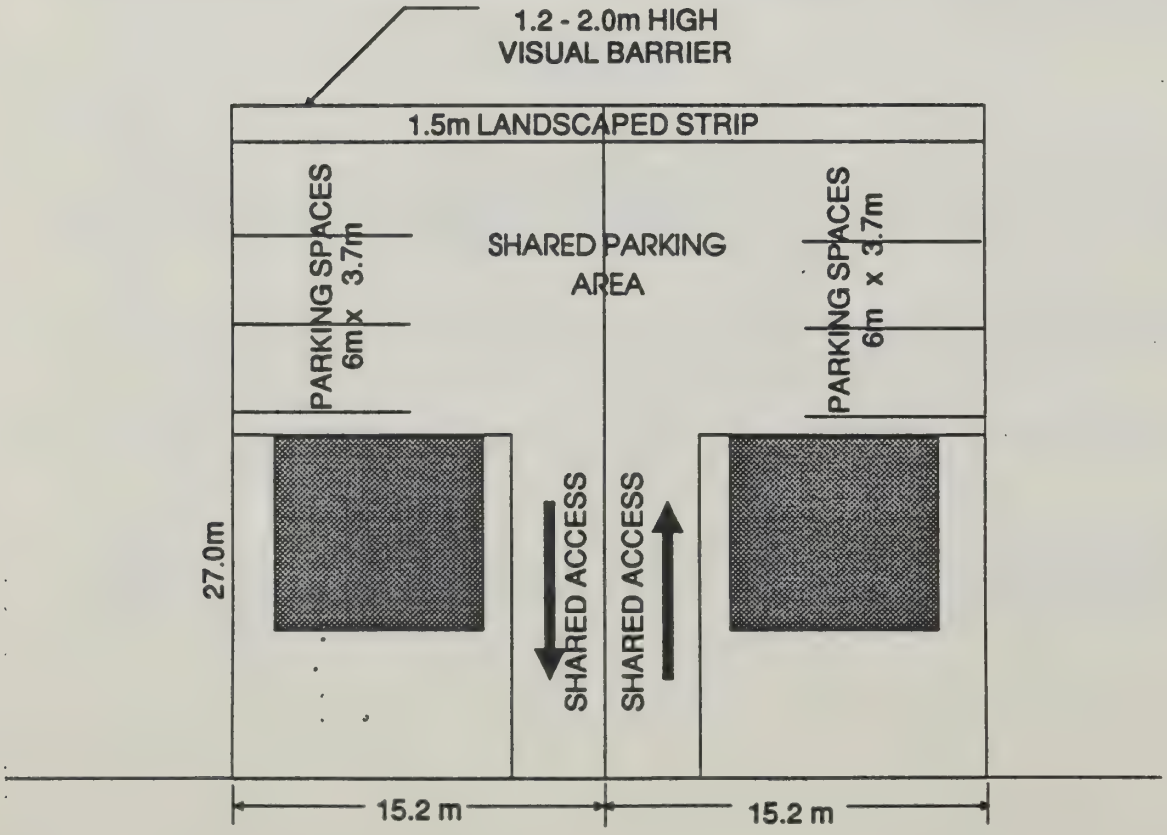
Herman Turkstra

HT:ds

Examples of site plans for commercial conversions are shown below.



UPPER JAMES STREET



UPPER JAMES STREET

CONCLUSION

Based on the above, it is recommended that Option 2 and the above noted Development Guidelines be approved by the Planning and Development Committee as the Land Use Strategy for the area west of Upper James Street, between Wembley and South Bend Roads. Since the implementation of this Land Use Strategy would require amendments to the Official Plan and Zoning By-law, it is also recommended that the Planning and Development Department be authorized to hold a Public Meeting, as required by the Planning Act, to consider the proposed Amendments. Final recommendations can then be presented to Council regarding the Land Use Strategy, Development Guidelines, Official Plan and Zoning By-law Amendments and Site Plan Control.

CL-M/dkp

A:\UPPJAMES.P&D

APPENDIX "A"

UPPER JAMES STREET
(Wembley To South Bend Roads)
Land Use Review

Prepared by:

The Planning and Development Department

REVISED
APRIL 1990

Upper James Street (Wembley to South Bend Roads)

Land Use Review

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1.0) Background

As directed by Council, a land use review of the area along Upper James Street between South Bend and Wembley Roads has been undertaken. The study area includes the area west of Upper James Street, between Wembley and South Bend Roads. (see Map 1).

The purpose of this study is to formulate a strategy through guidelines and/or policies which will give direction to future lands use considerations along Upper James Street at the periphery of the Bonnington Neighbourhood. A strategy is imperative for: delineating, in a comprehensive manner, how new uses and/or redevelopment can occur within the established neighbourhood fabric; and, evaluating the merits of proposals for change. Applications in the study area are currently dealt with on an ad-hoc basis, with no specific guidelines or policies in place.

1.1) Development History

As Hamilton grew "southward" in the 1950's and 60's, Upper James Street became one of the major commercial corridors on the mountain. Despite the commercial development extending along Upper James Street, a few city blocks have remained residential. In fact, up until 1983, the blocks between Fennell Avenue and South Bend Road, remained primarily residential, with the exception of the Mountain Plaza (rezoned for a shopping center in 1957). Presently, the area between Fennell Avenue and Wembly Road is experiencing a slow transition from residential to commercial.

While the study area remains predominantly residential, there have recently been two zoning applications for change to commercial uses. Although the pressure for commercial development has been moderate, it is likely to accelerate, given, the extent of existing commercial development along the Upper James Street corridor, and the opportunity to convert less expensive residential land for commercial use.

1.1.1) 638-672 Upper James Street - North of the Study Area (ZA 80-31)

In 1980, a Zoning application was submitted requesting a modification to the "C" (Urban Protected Residential, etc.) District, to permit the development of these lands for commercial purposes. Council considered the area inappropriate for commercial development (ie. incompatibility with adjacent uses, creation of traffic hazards on Upper James Street, increased traffic on local streets) and denied the application.

An appeal was subsequently made to the Ontario Municipal Board and the application was approved. The Board considered the area suitable for commercial uses and directed the City to amend its Official Plan (Special Ploicy Area 19) and Zoning By-law, and to place the area under Site Plan Control. The amendments permitted limited commercial uses within the existing buildings. For details of Councils disposition and the Boards decision see Appendix A.

MAP No. 1

MUNICIPAL NUMBERS

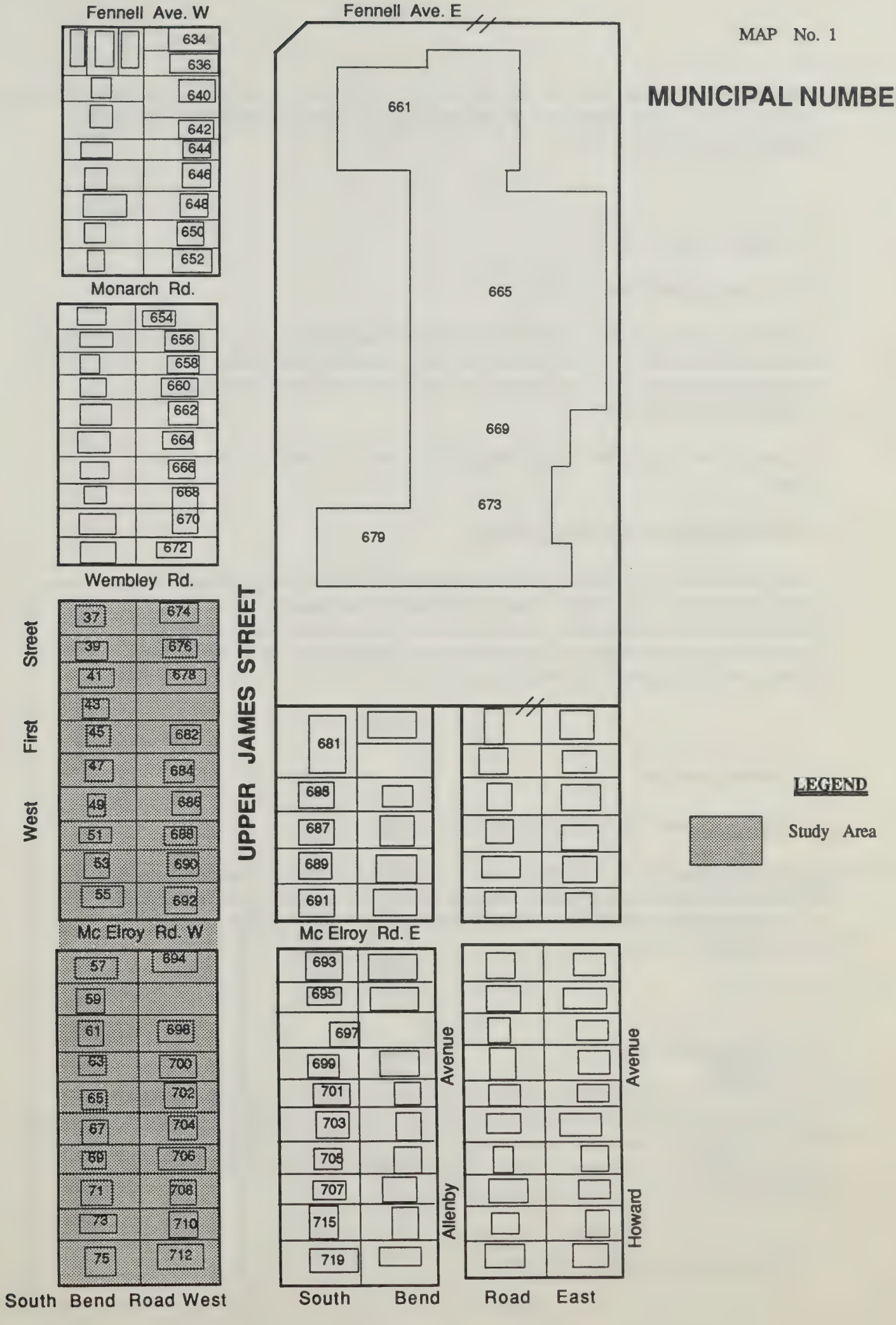


Table 1 **Existing Land Use**

	Upper James St.	West 1st St.
mixed commercial/ residential	2	0
single family dwellings	26	20
vacant	1	0

1.2.3) Lot Sizes

The lot sizes in the study area are typical of those found in a "C" District -12m x 30.5m (40' x 100'), however the depths tend to be shallow. The average lot sizes are summarized in Table 2 below.

Table 2 **Average Lot Sizes**

	Frontages	Depths	Areas
Upper James Street	15.2 m	26.8 m	409 m2
West 1st Street	15.2 m	32 m	486 m2

1.2.4) Ownership

Approximately 81% of the homes in the study area are owner-occupied. This statistic suggests stability in the residential uses.

1.3) Transportation and Engineering Services

1.3.1) Roadways and Alleyways

Upper James Street is a major arterial road, as well as a Provincial highway, running in a north/south direction. It is also a major truck route linking the downtown with the mountain and the municipalities beyond.

Traffic volumes have been constant over the last 10 to 15 years. In a 24 hour period, approximately 23,000 vehicles use Upper James Street, south of Fennell Avenue. Similarly, truck volumes have remained stable over the last 10 years ranging between 300 and 400 in the 7-10 AM and 2-6 PM hours. Clearly, the large traffic volumes are not reflective of a residential street.

Within the study area, there are "public unassumed" alleyways west of Upper James Street.

1.3.2) Public Transit

The study area is served by the Upper James route running from Gore Park to either Sister Elizabeth Village or the Mountain Transit Centre. As well, the Fennell route runs from the Bayfront to Mohawk College and the Mohawk route runs from Upper Kenilworth Avenue to Upper Horning Road.

1.3.3) Watermain Capacity

Watermain capacity is sufficient to accommodate increased development fronting on Upper James Street. However, the capacity of the watermains on Southbend, McElroy and Wembley Roads is barely sufficient for single family dwellings.

1.3.4) Storm and Sanitary Sewer Capacity

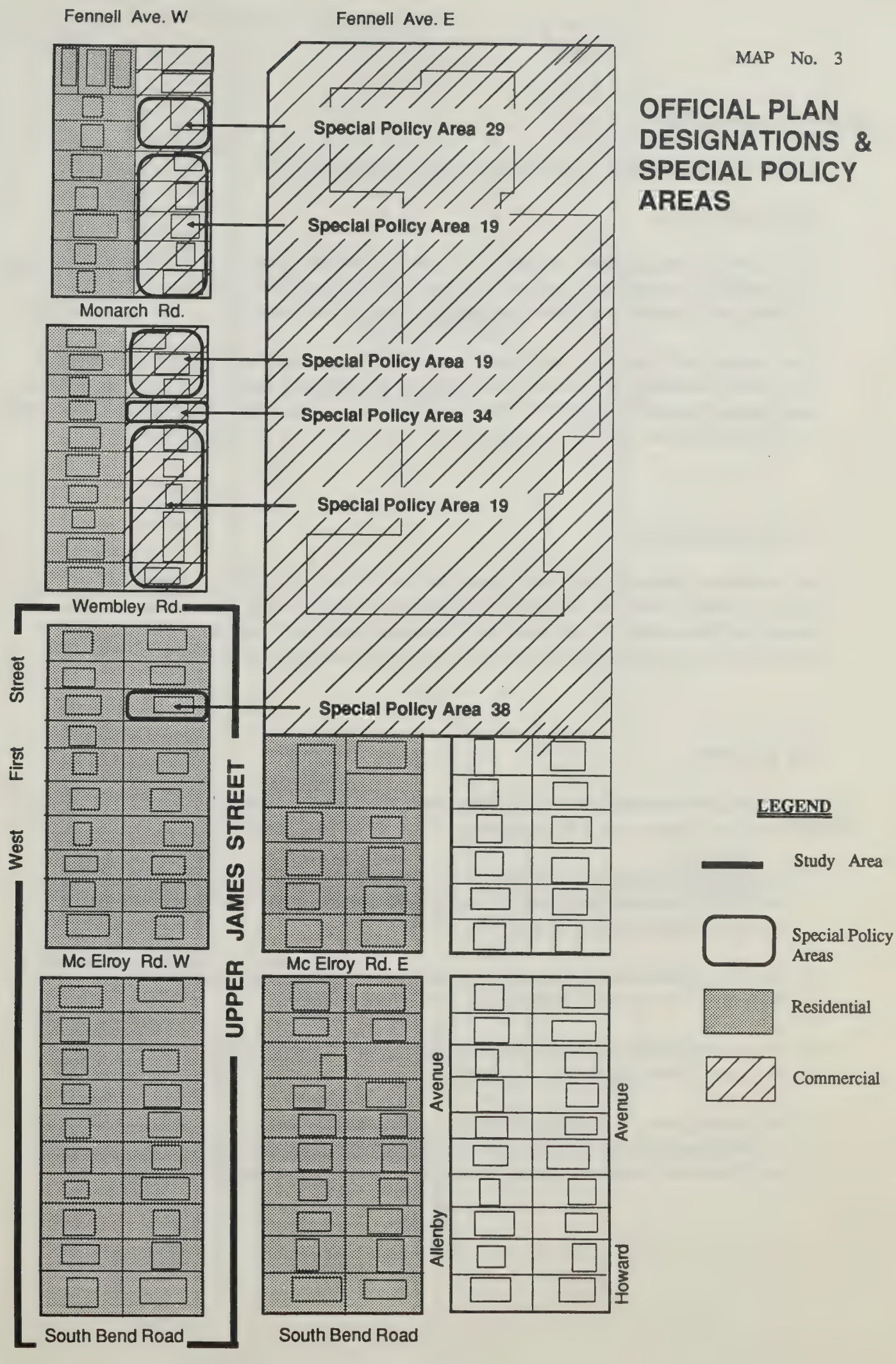
Upper James Street has a combined sanitary and storm sewer system which at the present time, is barely sufficient to service the existing development. Increased development intensity in the area may create the necessity to upgrade the sewer system; however, no provision has been made in the Five Year Capital Works Program for such an undertaking.

1.4) Existing Planning Controls

Planning controls shape the manner and type of development that will occur. These include: the Official Plan, Neighborhood Plans, Zoning By-law and Site Plan Control.

1.4.1) Official Plan

The study area is designated RESIDENTIAL on Schedule "A" - Land Use Concept (see Map 3). The primary permitted uses are dwellings. In addition, Local Commercial uses and Home Occupations may also be permitted, subject to certain provisions. Special Policy Area 38 (678 Upper James Street) permits limited commercial uses.


Fennell Ave. W
Fennell Ave. E
Special Policy Area 29
Special Policy Area 19
Monarch Rd.
Special Policy Area 19
Special Policy Area 34
Special Policy Area 19
Wembley Rd.
Special Policy Area 38
West First Street
UPPER JAMES STREET
Mc Elroy Rd. W
Mc Elroy Rd. E
Allenby Avenue
Howard Avenue
South Bend Road
South Bend Road
MAP No. 3
OFFICIAL PLAN DESIGNATIONS & SPECIAL POLICY AREAS
LEGEND
Study Area
Special Policy Areas
Residential
Commercial

1.4.2) Neighbourhood Plans

There is no Neighborhood Plan for the Bonnington Neighbourhood.

1.4.3) Zoning By-law

The majority of the properties are zoned "C" (Urban Protected Residential, etc) District (see Map 4). In addition to single family dwellings, converted dwellings, foster homes, residential care facilities, day nurseries, and home occupations may also be permitted.

One property (678 Upper James Street) is zoned "H" (Community Shopping and Commercial etc.) District, modified, to permit a limited number of commercial uses (ie. book store, antiques, personal service establishments) and requires parking, etc. The same zoning regulations apply to this property as those north of Wembley Road.

1.4.4) Site Plan Control

The majority of the study area is not under Site Plan Control, as Site Plan Control does not apply to the "C" District. However, Council has the option of requiring its application on specific properties. This was done in the case of 678 Upper James Street to ensure that adequate parking, access, buffering and landscaping was being provided (see Map 5).

2.0) ANALYSIS

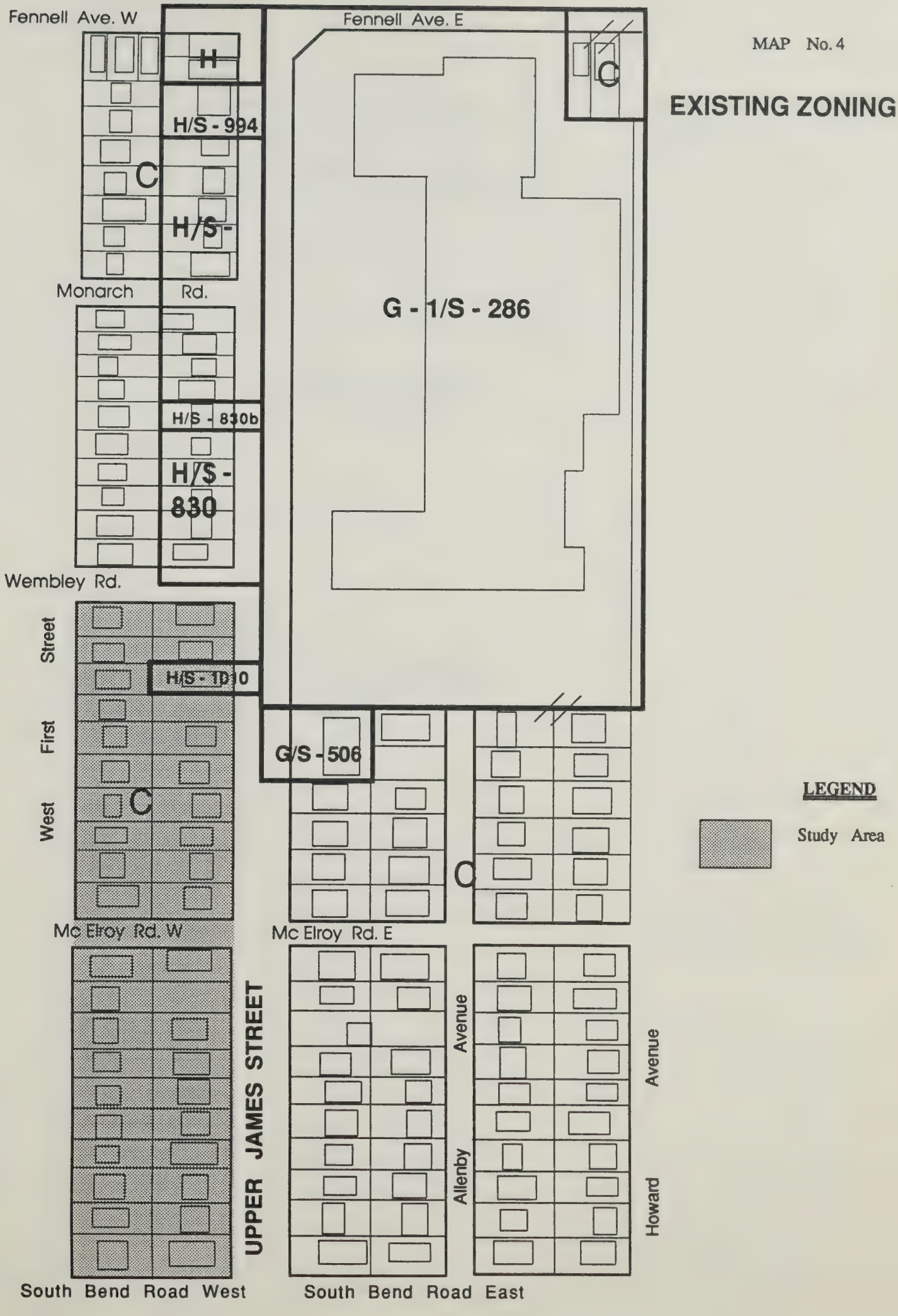
In reviewing the background research and site analysis, certain characteristics of the study area are critical in the evaluation of land use options or strategies. Specifically:

1) The study area consists of a multiplicity of small fragmented parcels of land. Generally, the average lot size is between 409 and 455 m2 (4,400 and 4,900 sq. ft), with shallow depths averaging 26.8 to 30.5m (88 to 100 ft.);

2) The study area is located between two commercial nodes, south and north of the study area, which offer a wide variety of goods and services;

3) Upper James Street is a major transportation corridor carrying high volumes of both truck and automobile traffic, as well as being serviced by public transit;

4) Engineering services are restricted in that the watermain capacity cannot accommodate further development along South Bend, McElroy or Wembley Roads and the sewer system cannot accommodate any increased development density; and,

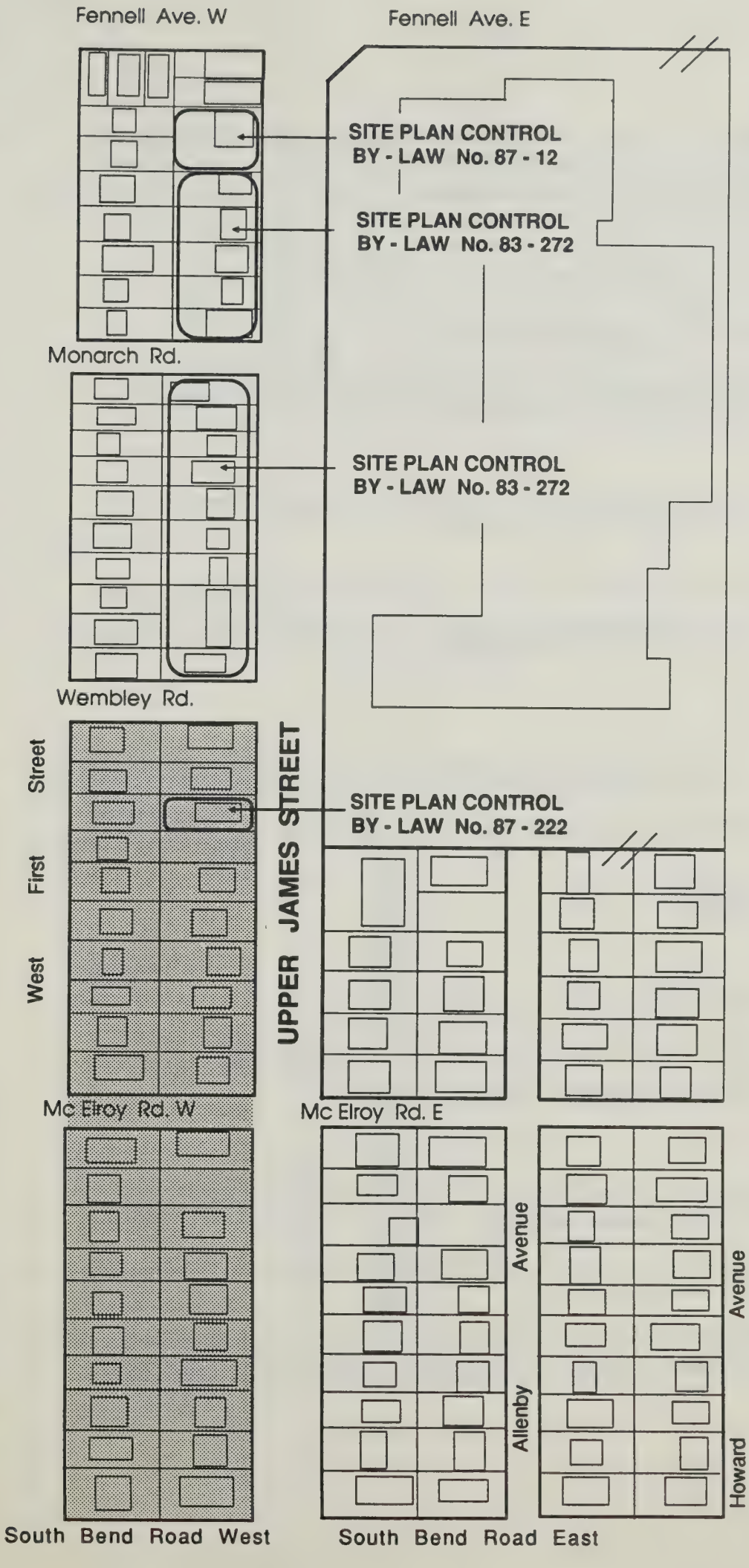


MAP No. 4

EXISTING ZONING

MAP No. 5

EXISTING SITE PLAN CONTROL



LEGEND

Study Area

Under Site Plan Control

5) In spite of the adjacent commercial concentrations and high traffic volumes, the study area still appears to be a viable residential enclave by virtue of the number of residential uses and the conditions of the buildings.

2.1) Land Use Options

There are 4 land use options that may be considered

- Option 1: Retain the residential uses within the study area and not permit further commercial development.

- Option 2: Permit conversion of existing structures fronting onto Upper James for limited commercial purposes.

- Option 3: Permit redevelopment of Upper James frontage only for commercial and/or mixed commercial/residential uses.

- Option 4: Permit comprehensive redevelopment of both blocks, west of Upper James Street, for commercial and/or mixed commercial/residential uses.

2.1.1) Option 1 - maintains the status quo and does not permit any further commercial intrusion.

Advantages

- No need to expand existing sewer and watermain services.
- No additional potential traffic onto Upper James or local streets.
- No detrimental impact on adjacent residential areas.

Disadvantages

- This option ignores the fact that pressure for commercial redevelopment is likely to increase, without proper policy guidance.
- As Upper James continues to develop as a commercial corridor, the viability of the study area for residential uses will diminish.

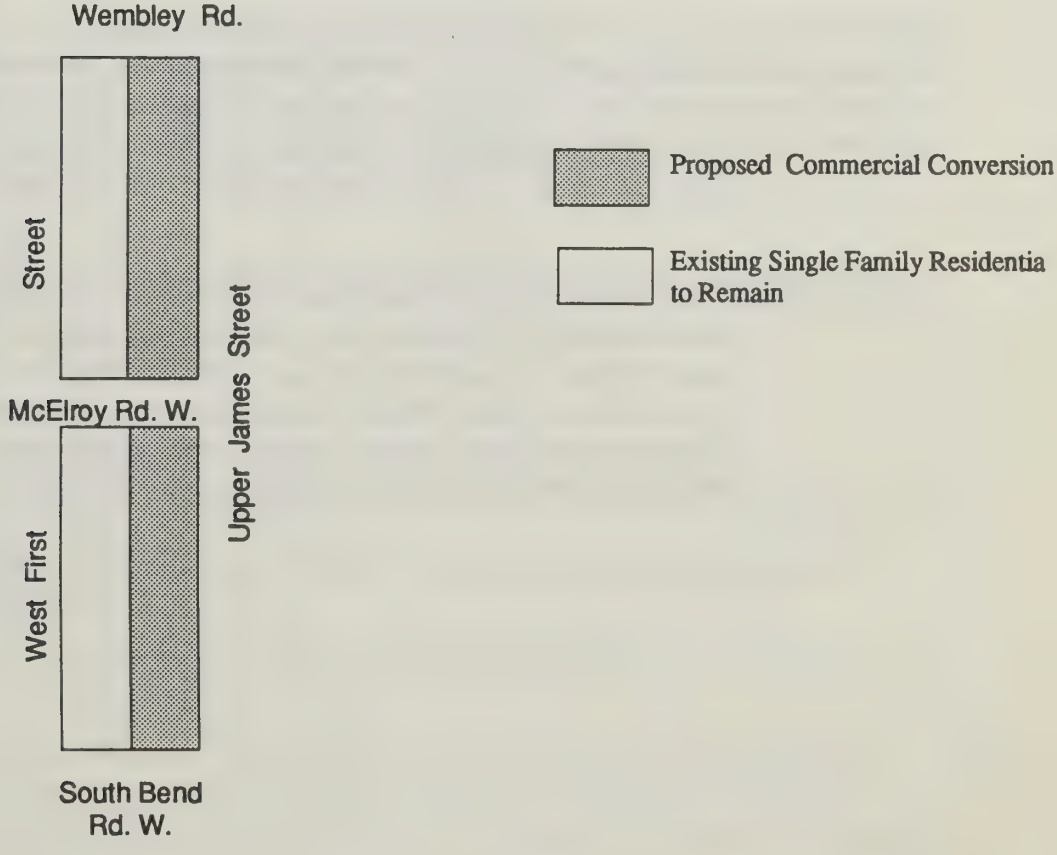
Option 1 is not a desireable alternative as it ignores the potential development pressures along the corridor. As pressure is likely to increase, redevelopment for commercial use appears unavoidable.

2.1.2) Option 2 - permits the conversion of the existing structures fronting onto Upper James Street for commercial uses (see below). The types of commercial uses permitted would be limited to personal services, offices, retail stores (jewellery, drug store, food, flowers, etc.) and some public uses (art gallery, library). In order to provide affordable housing in the area, retention of a residential component would be encouraged, (ie. apartments above commercial.) Parking would be required. In addition, the lands would be placed under Site Plan Control to ensure that design aspects such as, access, parking layout, etc., are satisfactory to ensure that any impacts on the adjacent residential area would be negated.

Advantages

- The existing low profile streetscape would be maintained by requiring the retention of the existing structures.

Option 2



- It would not overburden existing sewers and watermains, given that conversions would be limited to existing structures;
- It would ensure that the uses permitted and zoning standards for those properties fronting on the west side of Upper James Street between Fennell Avenue and Southbend Roads would be consistent.
- The impact on adjacent residential uses would be minimal in that conversion is contained to the existing building.
- Increase in traffic and parking on the adjacent local streets would be minimal.

  Some affordable housing would be retained.

Disadvantage

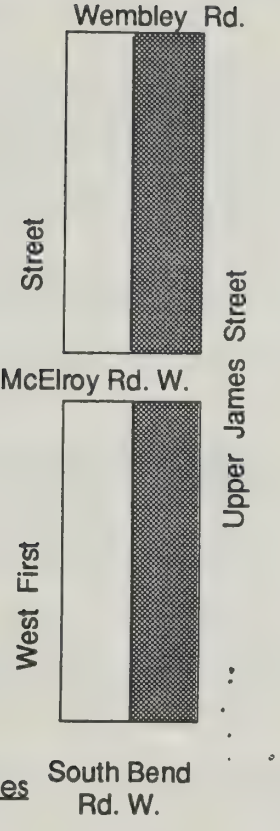
- Large number of accesses onto Upper James Street, due to individual driveways, could have an impact on traffic.

The only disadvantage is the numerous accesses onto Upper James Street. However, shared accesses and parking areas for adjacent commercial uses could be encouraged to alleviate potential traffic problems. Further, it should be noted that the Traffic Department has not indicated the individual accesses to be a concern.

As seen above, the advantages of this Option greatly outweigh the one disadvantage. Existing services would be adequate for the proposed redevelopment, the impact on the adjacent residential area would be minimal, the existing low profile streetscape would be maintained, and uses permitted would be consistent with other commercial uses in the area.

2.1.3) Option 3 - anticipates the redevelopment of the Upper James frontage for commercial and/or mixed commercial/residential uses (see below). Existing residential uses on West First Street would remain. Due to the small size and fragmented ownership of properties, it is likely that at least two or more properties would have to be assembled and redeveloped in order to accommodate setbacks, parking, landscaping and other performance standards.

Option 3



Proposed Commercial and mixed Commercial/ Residential Redevelopment

Existing Single Family Residential to Remain

Advantages

- There may be fewer access drives onto Upper James Street, reducing any potential impact on traffic.
- The area would be suitable for multiple-family residential uses, mixed commercial/residential uses, and/or retirement home, ie. close to shopping, public transit, etc.
- Some affordable housing could be supplied, in the form of higher density residential development.

Disadvantages

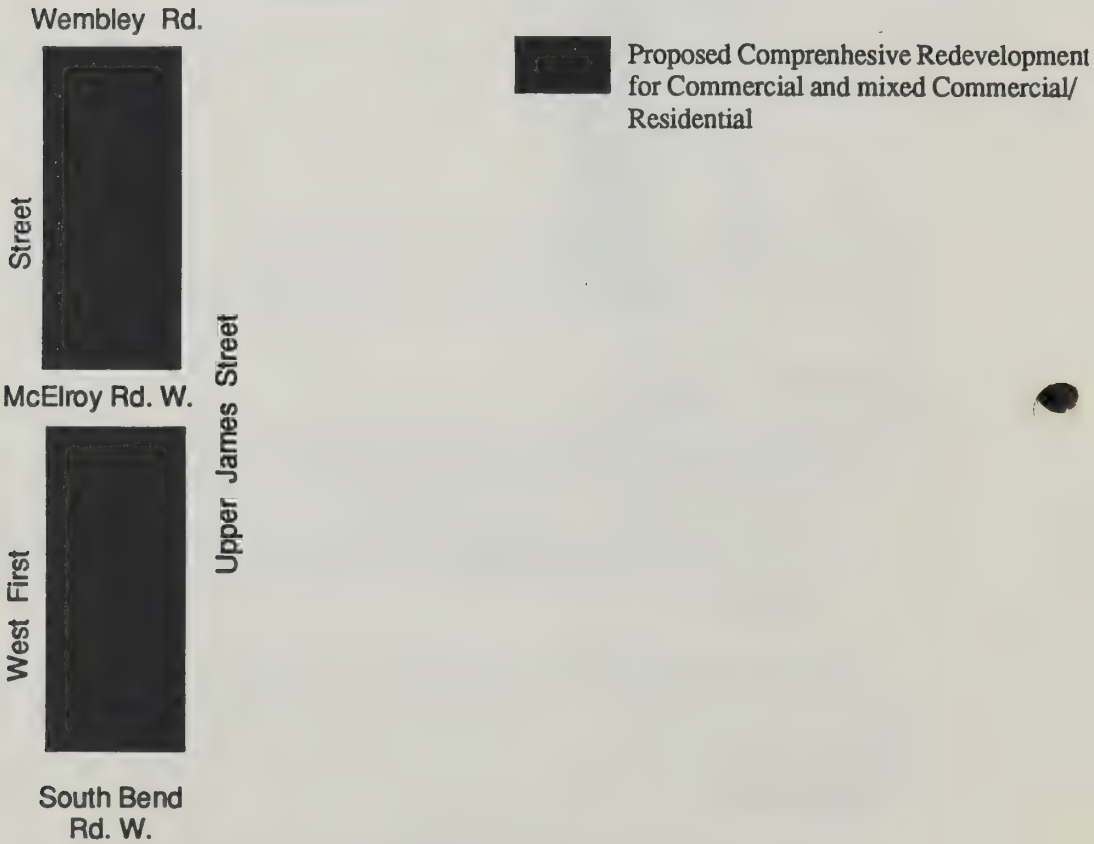
- There would be some impact on adjacent residential uses, ie. increased noise, increased traffic, overflow parking, visual impacts.
- It is likely that the sewer system would have to be upgraded to accommodate the increased development.
- The properties are too small in size to be redeveloped individually, land assembly would be required.

There are a number of disadvantages that make this Option considerably less feasible than Option 2. One disadvantage is the upgrading of the existing sewer system which would be necessary to service the area, a large portion of the cost which would be borne by the Region.

In addition, some land assembly would be required for redevelopment. Also, the potential for detrimental impact on the adjacent residential uses would be greater.

2.1.4) Option 4 - calls for the complete redevelopment of the entire study area, for commercial or mixed commercial/residential purposes (see below).

Option 4



Advantages

- This option would provide for larger developments which could meet the Zoning requirements (H District) or the performance standards.
- As in Option 3, there would be fewer access drives onto Upper James Street, thus reducing any potential impact on traffic.
- The area would be suitable for multiple-family residential uses, mixed uses and/or retirement home, ie. close to shopping, public transit, etc.
- Some affordable housing could be supplied, in the form of higher density residential development.

Disadvantages

- Both the sewer and watermain systems would have to be upgraded to serve the area with a satisfactory level of engineering services.
- It would result in the intrusion of commercial development into the stable residential areas in the interior of the neighbourhoods. Some impact on the adjacent residential area would be expected, such as: increased noise; visual impacts; additional traffic and/or spill over parking on residential streets.
- Extensive land assembly would be essential.

Again, there are a number of drawbacks associated with this Option. Existing engineering services are inadequate to service redevelopment of this extent. Upgrading of both the sewer system and the watermain system would be required. Complete redevelopment of the entire blocks for commercial or mixed commercial/residential uses would cause an intrusion of commercial uses into a stable residential area. Associated traffic and spill over parking would likely impact the adjacent residential area. Further, extensive land assembly would be required for this Option.

3.0) Proposed Land Use Strategy and Implementation

Based on the above analysis, it is prudent to formulate a strategy at this time, for the conversion and/or redevelopment of the study area for commercial or mixed commercial/residential use. This will ensure that proper guidelines/policy are in place. If redevelopment is to be permitted in the study area, Option 2 is the least likely to undermine adjacent residential uses, would keep development pressure in check, and would not fuel speculation. A smooth transition from residential to commercial would be able to occur as the demand for conversion increases. As well, Option 2 would provide for redevelopment that would be consistent with the area to the north (Wembley to Fennell). Consequently, Option 2 should be adpoted as the Land Use Strategy for the area.

The implementation strategy is outlined below and would require amendments to the Official Plan and Zoning by-law, the establishment of Site Plan Control and adoption of Development Guidelines.

3.1) Official Plan Amendment

To implement Option 2 an Official Plan Amendment would be required to:

i) Redesignate the subject lands, from "Residential" to "Commercial"; and

ii) Establish a new Special Policy Area for the subject lands to:

- limit the types of commercial uses permitted;
- to encourage proponents to retain a residential component, such as residential units above commercial uses on the ground floor;
- to restrict commercial uses to the existing buildings, or where existing buildings are destroyed new buildings with the same external building dimensions;
- to permit development of vacant lots only in keeping with the existing development in the area. As such, the height, bulk and setback of new structures will be consistant with those structures in the established area;
- to encourage proponents for redevelopment to use innovative parking and access designs, such as shared access for adjacent commercial uses to limit the total number of accesses onto Upper James Street. In this respect, redevelopment proposals which integrate the design of parking areas and accesses with those of adjacent existing or proposed Commercial uses will be given priority;
- to encourage rear yard parking as opposed to front yard parking, to maintain the low profile streetscape; and,
- to require adequate buffering (ie. landscaping and fencing) between Commercial uses fronting onto Upper James Street and adjacent Residential uses.

iii) To delete "Special Policy Area 38", applicable to the lands known as 678 Upper James Street. The provisions of the new Special Policy Area, as set out by ii) above, should be applied to 678 Upper James Street, to ensure comprehensive policy for the entire area.

3.2)Zoning By-Law Amendment

To implement Option 2 a Zoning By-law amendment would also be required. The subject lands would be rezoned from "C" (Urban Protected Residential, etc.) District to "H" (Community Shopping and Commercial, etc.) District, modified, as follows:

i) Permitted uses would be limited to the following:

Residential

- single family dwelling; and,
- one dwelling unit in the same building with a permitted commercial use.

Commercial

- business or professional person's offices;
- photographer's or artist's studio but not including a motion picture studio;
- barbershop, hairdressing establishment, beauty parlour, physical fitness studio, reducing salon, shoeshine parlour or other like establishment;
- retail store selling:

  a) wearing apparel and accessories;
  b) furniture, homefurnishings, appliances;
  c) antiques;
  d) books and stationery;
  e) tobacco, gifts, novelties, souvenirs, newspapers and magazines;
  f) cameras and photographic supplies;
  g) jewellery;
  h) flowers plants and like goods sold or offered for sale by a florist;
  i) sale and dispensing of optical goods;
  j) computer sales and service;
  k) musical instruments sales and service; and,
  l) photo copy service;

- retail drug store;
- food store;
- retail variety store;
- showroom or sample room including such a room to deal with bona fide antiques but not including a second-hand shop, pawnbroker shop for the sale of plumbing supplies or fixtures or a pet shop; and,
- commercial lending library or art gallery.

Institutional

- day nursery.

Public

- library; and
- art gallery;

Accessory Use

- a wall, ground or projecting sign that complies with the following requirements:

  a) no sign shall exceed 1.2 metres in vertical dimension or 2.2 metres in a area; and,
  b) no sign shall be illuminated unless the source of light is steady and suitably shielded to contain the illumination.

ii) Conversions will be limited to the existing buildings, in accordance with the following provisions:

a) All permitted uses will be limited to the existing buildings only.

b) Development of vacant lots will be consistent with the established development in the area. As such, the following regulations will apply to the development of vacant lots:

- a height restriction of 2 storeys;
- a front yard depth of at least 4.5 meters;
- a side yard along each side lot line of at least 1.2 meters; and,
- a rear yard of a depth of at least 7.5 meters.

c) Where existing buildings are destroyed, new buildings with the same external dimensions and floor area will be permitted, subject to the regulations set out in ii) b), above.

iii) Conversions will be subject to the following landscaping and buffering requirements:

a) In the event that any of the permitted commercial, institutional or public uses are established, to require:

- a visual barrier not less than 1.2 meters high and no more than 2.0 meters high; and,
- a 1.5 meter wide landscaped planting strip,

to be provided and maintained along the entire westerly rear lot line.

b) To require all lighting facilities at the rear of the commercial conversions to be installed and maintained so as to ensure that the light is directed away from all adjacent residential areas.

iv) Parking will be required on the basis of:

a) One space for every one dwelling unit for residential uses;

b) One space for every 19 m^2 of floor area for medical offices (including doctor, dentist, osteopath, drugless practitioner);

c) One space for every 6 children for day nurseries; and,

d) One space for every 31 m^2 of floor area for all other permitted uses.

The above parking requirements are consistant with regulations set out in the Zoning by-law.

3.3 Site Plan Control

The subject lands should be placed under Site Plan Control. This would give the City further control over design aspects such as parking, landscaping, access, buffering, etc.

3.4)Development Guidelines

The following Development Guidelines would be used when evaluating any proposals for commercial conversion.

1) In order to limit the total number of accesses onto Upper James Street, shared accesses with adjacent commercial uses will be encouraged. Innovative parking designs will also be promoted in order to maximize on-site parking while minimizing impacts on adjacent residential uses.

   In order to accommodate the above noted features, proponents will be encouraged to redevelop two adjacent properties simultaneously or to co-ordinate the design of parking areas and accesses with those of adjacent existing or proposed commercial establishments.

2) Wherever possible, parking areas should be located to the rear of the sites to maintain the low profile streetscape.

3) The following shall be provided, in order to buffer adjacent residential uses from parking areas;

- 1.2 to 2.0 meter high visual barrier; and,
- 1.5 meter wide landscaped planting strip,

  along all rear lot lines.

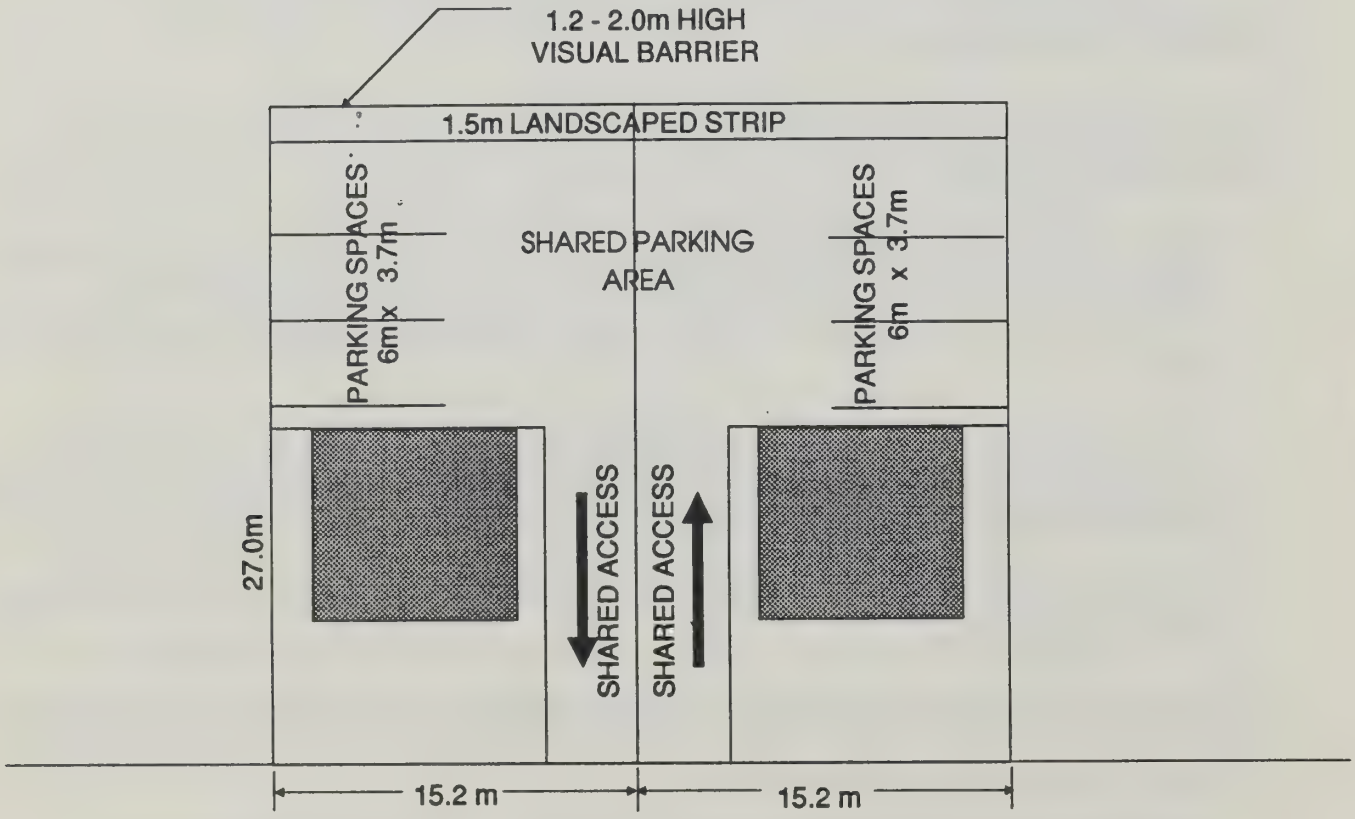
4) In addition to 3) above, wherever possible, landscaping should be used along the individual side lot lines to maintain and embellish the overall character of the area. As well, to provide buffering between commercial conversions and existing residential uses.

5) Refuse containers will be appropriately located and buffered (including visual barriers and landscaping) to minimize any adverse impacts on adjacent residential areas.

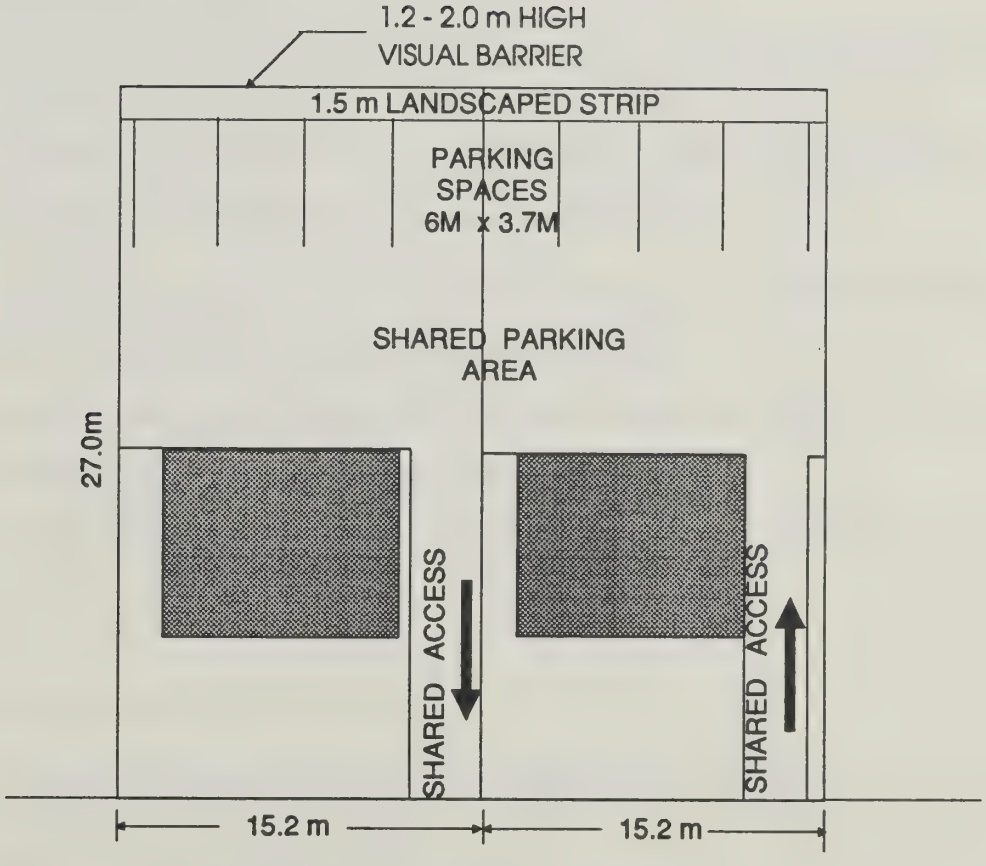
6) Rear yard paved parking areas should be graded so as to direct runoff towards Upper James Street, away from residential uses to the rear of the commercial sites.

7) All lighting facilities will be directed downwards and shielded or oriented away from adjacent residential uses. Light standards will not be of a height sufficient to create a nuisance to adjacent residential uses

Examples of site plans for commercial conversions are shown below.



UPPER JAMES STREET



UPPER JAMES STREET

Detailed Development History

638-672 Upper James Street - North of the Study Area (ZA 80- 31)

The application was denied by Council on the basis of the:

- proliferation of existing commercial development in the surrounding area;
- incompatibility with adjacent land uses;
- creation of traffic hazards given the number of access points onto Upper James (due to individual driveways); and,
- increased traffic generation on local streets due to commercial development.

The appeal was approved by the Ontario Municipal Board, given:

- noise from vehicular traffic has made the occupation of the residences difficult;
- traffic impact on local streets would be insignificant;
- a large percentage of the Upper James Street frontage is used for commercial activities;
- further intrusion into the residential area is unlikely; and,
- impact on abutting residential properties to the rear would be minimal and could be mitigated through buffering.

Accordingly, the OMB directed the City:

1) to process an Official Plan Amendment redesignating the subject lands from RESIDENTIAL to COMMERCIAL and creating a Special Policy Area (SPA 19) to allow limited commercial uses within the existing buildings (O.P.A. No. 6);

2) to pass an amending zoning by-law:

   - to limit the types of commercial uses to offices, drug stores, grocery stores etc.;
   - to limit these uses to the existing buildings;
   - to require parking at 1 space per 41.8 m2 of floor area; and,
   - to allow buildings with the same external dimensions to be built in case of destruction (By-law 83-271); and,

3) to place the lands under Site Plan Control (By-law 83-272).

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THE CORPORATION OF THE CITY OF HAMILTON

OFFICE OF THE CITY CLERK

TEL: 546-2700
FAX: 546-2095

1990 May 25th

URBAN MUNICIPAL
GOVERNMENT DOCUMENTS

Mr. E. W. Kowalski, Director of Community Development
Mr. S. Ghanem, Director of Economic Development
Mr. T. Gill, Acting Engineering Commissioner
Attention: Mr. K. Brenner
Mr. M. Main, Director of Traffic Services
Attention: Mr. R. Karl
Ms. Diana Pasko, Planning Department
Mr. E.G. Beres, Regional Assessment Commissioner
Urban Municipal Librarian, Central Library

Attached herewith are the minutes of the Planning and Development Committee meeting held Wednesday, 1990 April 18th.

These minutes were approved by the Committee at its meeting held Wednesday, 1990 May 23rd.

Yours very truly,

Susan K. Reeder.

Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

Attch.

c.c.'s
- Manager, C.M.H.C.
- Hamilton & District Chamber of Commerce
  Attention: Kathy Drewitt
- Mr. V. Mauceri, Manager, Research Dept., H.S.R.
- Mr. Paul E. Shewfelt, Board of Education
- Mr. Douglas Kelterborn, Board of Education
- Mr. T. Cupido, Superintendent of Plant, Hamilton Separate School Board
- Mr. M. D. Crowley, Southam Communications Ltd.
- Mr. D. Miller, Canada Life, London, Ontario
- Durand Neighbourhood, c/o Ruth Morrison
- Mr. Rob Hager, Research Statistican, Oshawa Foods

I

Wednesday, 1990 April 18
9:00 o'clock a.m.
Room 233, City Hall

The Planning and Development Committee met.

There were present: Alderman J. Smith, Chairman
Alderman F. Lombardo, Vice-Chairman
Mayor Robert M. Morrow
Alderman M. Kiss
Alderman H. Merling
Alderman D. Ross
Alderman D. Christopherson
Alderman W. McCulloch
Alderman D. Drury

Also present: Alderman J. Gallagher
Alderman T. Murray
Mr. L. Woods, Chairman, Committee of Adjustment
Mr. D. Kelterborn, Hamilton Board of Education
Mr. J. Thoms, Commissioner of Planning and Development
Mr. A. Georgieff, Director of Local Planning
Mr. P. Mallard, Planning Department
Mr. P. Lampman, Deputy Building Commissioner
Mr. D. Pickard, Building Department
Mr. R. Harvey, Building Department
Ms. Patrice Noé Johnson, City Solicitor
Mr. D. Godley, Planning Department
Mr. K. Brenner, Regional Engineering Department
Mr. R. Karl, Traffic Department
Mr. L. King, Building Commissioner
Mr. J. Swartz, Regional Planning Department
Mr. G. Groppler, Planning Department
Mr. W. Wong, Building Department
Mr. C. Floroff, Planning Department
Mr. P. Hooker, City Solicitor's Office
Ms. Kelly Greves, Co-op Student
Mrs. Susan K. Reeder, Secretary

Minutes – 1990 March 21.

The Committee was in receipt of the minutes of their meeting held Wednesday, 1990 March 21 and APPROVED these minutes.

Demolition Permit Applications.

The Committee was in receipt of a report from the Building Commissioner dated 1990 April 9, respecting Demolition Permit Applications.

The Committee APPROVED the following:

That the Building Commissioner be authorized to issue demolition permits for the following properties:

(a) 215 Chester Street
(b) 30 William Street

City of Hamilton Heritage Programe – 96 James Street South (James Street Baptist Church)

The Committee was in receipt of a report from the Director of Community Development dated 1990 April 12, respecting City of Hamilton Heritage Programme - 96 James Street South, Hamilton (The James Street Baptist Church).

The Committee APPROVED the following:

(a) That a repayable loan under the Community Heritage Trust Fund in the amount of fifty thousand dollars ($50,000.) be approved for 96 James Street South, the James Street Baptist Church. The interest rate will be six percent, amortized over 10 years; and,

(b) That a Designated Property Grant in the amount of three thousand dollars ($3,000.) be provided to the James Street Baptist Church, 96 James Street South, Hamilton.

Commerical Facade Loan Programme Application.

The Committee was in receipt of a report from the Director of Community Development dated 1990 April 12, respecting the Commercial Facade Loan Programme Application for an increase for property at 355 Barton Street East.

The Committee APPROVED the following:

That an increase under the Commercial Facade Loan Programme, in the amount of two thousand and nine dollars ($2,009.) be approved for 355 Barton Street East, Ms. C. Rodriguez, for a new loan amount of eleven thousand, six hundred and eighty-three dollars ($11,683). The interest rate will be 6-3/4 percent, amortized over 10 years.

Amendment to By-law No. 88-135 for property at 1489-1545 Upper James Street.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 March 26, respecting an amendment to By-law No. 88-135 for property at 1489-1545 Upper James Street.

The Committee APPROVED the following:

That the City Solicitor be directed to prepare a by-law to delete Schedule "A" of By-law No. 88-135 and replace it with a revised Schedule "A" to correct technical errors in the dimensions for the front and rear property lines, for the lands municipally known as 1489-1545 Upper James Street, as shown on the attached map marked as Appendix "A".

NOTE: The purpose of this by-law is to delete Schedule "A" of By-law No. 88-135 and replace it with a revised Schedule "A", for lands municipally known as 1489-1545 Upper James Street.

The effect of this by-law is to correct the dimensions for the front and rear lot lines which were incorrectly shown. It should be noted, that the new Schedule will be consistent with the properties stipulated in the text of By-law No. 88-135 and will not result in an extension of the zoning boundary.

Committee of Adjustment - Minor Variance Applications.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 April 10, respecting Committee of Adjustment - Minor Variance Applications.

Mr. P. Mallard of the Planning and Development Department outlined the report to the Committee. Considerable discussion ensued on this matter.

Moved by Alderman Merling, seconded by Alderman McCulloch:

That the Committee of Adjustment be dissolved for a six (6) month period and that applications normally dealt with by the Committee of Adjustment be heard by the Planning and Development Committee.

Recorded vote:

Yeas - Kiss, McCulloch, Merling

Nays - Smith, Lombardo, Christopherson, Ross

MOTION LOST

It was then moved by Alderman Christopherson, seconded by Alderman Ross and carried to APPROVE the following:

(a) That the Planning and Development Committee advise the Committee of Adjustment of its concern respecting the approval of applications which are not "minor variances".

(b) That the Planning and Development Committee direct the Planning and Development Department to file appeals, subject to Committee and Council ratification, against those decisions of the Committee of Adjustment which are deemed not to be minor in nature, or in keeping with the intent and purpose of the Zoning By-law and/or Official Plan.

(c) That the Building Commissioner be directed to prepare an Information letter to be given out to all applicants to the Committee of Adjustment advising them that the Committee mandate is to consider matters of "minor variances".

Zoning Applications.

At this point the Committee recessed and moved to the Council Chambers to hear Zoning Applications.

ZA89-125 - 63 and 67 Malton Drive.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 April 3, respecting Neighbourhood Plan Review to examine the Potential Development within the existing built up area - Kennedy East Neighbourhood and Zoning Application 89-125 for properties located at 63 and 67 Malton Drive.

The staff recommendation was as follows:

(a) That the neighbourhood plan for the Kennedy East Neighbourhood remain unchanged; and,

(b) That Zoning Application 89-125, Joan and Bruce Richardson & Ruby and Wellman Stockton, owners, requesting a change in zoning from "B" (Suburban Agriculture and Residential, etc.) District to "C" (Urban Protected Residential, etc.) District, to create two single-family dwelling building lots fronting onto Christie Street, for property located at 63 and 67 Malton Drive, as shown on the attached map be DENIED for the following reasons:

(i) The proposal is incompatible with the character of development in the surrounding area as this portion of the Kennedy East Neighbourhood is dominated by large lot single-family detached dwellings. The proposed lots would provide for an indiscriminate mix of lot sizes which is undesirable, and would undermine the established residential character of the neighbourhood;

(ii) Approval of the application may encourage other similar applications which, if approved, would alter the character of the neighbourhood; and,

(iii) The proposal represents an undesirable intrusion of the "C" (Urban Protected Residential, etc.) District into the "B" (Suburban Agriculture and Residential, etc.) District.

The Committee deliberated on this matter and APPROVED the Zoning Application as follows:

That approval be given to Zoning Application 89-125, Joan and Bruce Richardson & Ruby and Wellman Stockton, owners, requesting a change in zoning from "B" (Suburban Agriculture and Residential, etc.) District to "C" (Urban Protected Residential, etc.) District, to create two single-family dwelling building lots fronting onto Christie Street, for property located at 63 and 67 Malton Drive, as shown on the attached map marked as Appendix "B", on the following basis:

(a) That the subject properties be rezoned from "B" (Suburban Agriculture and Residential, etc.) District to "C" (Urban Protected Residential, etc.) District;

(b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-9E for presentation to City Council; and,

(c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the by-law is to provide for a change in zoning from "B" (Suburban Agriculture and Residential, etc.) District to "C" (Urban Protected Residential, etc.) District modified for properties located at 63 and 67 Malton Drive.

The effect of the By-law is to provide for the creation of two single-family residential lots at the rear of the subject properties, fronting onto Christie Street.

ZA89-130 - 564,570,574, 580,586,590 and 596 Stone Church Road East.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 April 11, respecting Zoning Application 89-130, for properties at 564, 570, 574, 580, 586, 590 and 596 Stone Church Road East.

The Committee APPROVED the following:

That approval be given to Zoning Application 89-130, A. Cameracci, agent/owner, requesting a change in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District (Block "1"), and from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single Family Detached) District (Block "2"), for the rear part of properties located at 564, 570, 574, 580, 586, 590 and 596 Stone Church Road East, as shown on the attached map marked as Appendix "C", on the following basis:

(a) That the lands described as Block "1" be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District;

(b) That the lands described as Block "2" be rezoned from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single-Family Detached) District;

(c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-27C for presentation to City Council;

(d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of this By-law is to provide for changes in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District (Block "1"), and from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single-Family Detached) District (Block "2"), for the rear part of property located at 564, 570, 574, 580, 586, 590 and 596 Stone Church Road East.

The effect of the By-law is to permit future development of the subject lands for small lot single-family detached dwellings fronting onto the proposed extension of Acadia Drive.

Subdivision Application 89-26 and ZA89-111 - 991 Upper Paradise Road.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 April 11, respecting Subdivision Application 89-26, for property on the east side of Upper Paradise Road south of Skyview Drive, as well as Zoning Application 89-111, for property at 991 Upper Paradise Road.

Report of the circularization was given as follows:

120 notices sent 9 in favour 7 opposed

Mr. R. Charko, Solicitor on behalf of Paradise Corner Children's Centre, spoke to the Committee with respect to the Centre's concerns at the overintensification of the Daycare use proposed for the area on Upper Paradise Road. Mr. Charko spoke on various aspects of Daycare operations and indicated that waiting lists are deceiving since most parents put their names on all the waiting lists.

Mr. Charko also introduced Mr. Fred Lee, who lives on Howarth Avenue, who is opposed to the application for a Daycare for 95 children.

Mr. Sharif, owner and applicant, spoke to the Committee and sited the waiting lists in the area for Daycare spots. He added that he is not concerned about the financial aspects of filling 95 spots as requested in his application. He feels that a Daycare is needed due to the growth of the area and requested that the Committee approve his application.

Considerable discussion ensued on this matter and the Committee agreed that they would **APPROVE** Block "1" and the Subdivision of the property, but that they would **TABLE** Block "2" of the property which involves the establishment of a Daycare Centre in order that further discussion can ensue between the owner of the property, staff and the Social Service Agency with respect to the number of children which would be allowed at that Daycare Centre.

The Committee then **APPROVED** the following:

(a) That approval be given to Subdivision Application 89-26, Yaser Sharif, owner, to establish a draft plan of subdivision on the east side of Upper Paradise Road south of Skyview Drive, subject to the following conditions:

(i) That approval apply to the plan prepared by Guido Consoli Surveying Ltd., dated 1989 October 20, revised to show 38 lots, Block "39" for a day care centre and a 9.0m wide walkway, Block "40".

(ii) That the streets be dedicated to the City of Hamilton as public highway on the final plan.

(iii) That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.

(iv) That the final plan conform to the zoning by-law approved under The Planning Act.

(v) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.

(vi) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block in the final plan.

(vii) That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the final plan to the City of Hamilton for park purposes.

(viii) That the owner landscape the 9.0m wide walkway (Block "40") to the satisfaction of the City of Hamilton.

(ix) That this plan not be registered until the construction of storm and sanitary sewer services for Upper Paradise Road have been approved.

(x) That the radius transition which abuts the cul-de-sac bulb be changed from 4.5m to 9.0m.

(xi) That the street align with the existing street to the north.

(xii) That the owner shall erect a sign in accordance with Section XI of the subsequent Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.

(xiii) That the owner agree in writing to satisfy all the requirements, financial and otherwise of the City of Hamilton.

(b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (SA-89-26), Yaser Sharif, owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

That approval be given to Zoning Application 89-111, Yaser Sharif, owner, requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for Block "1" for property municipally known as 991 Upper Paradise Road, to permit single-family detached dwellings, as shown on the attached map marked as Appendix "D", on the following basis:

(a) That Block "1" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;

(b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps W-27C and W-27D for presentation to City Council; and,

(c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for Block "1", for the property municipally known as 991 Upper Paradise Road.

The effect of the By-law is to permit future single-family residential development on Block "1".

ZA89-114 - rear of 1490 Upper Gage Avenue.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 April 3, respecting Zoning Application 89-114, for property at the rear of 1490 Upper Gage Avenue.

Report of the circularization was given as follows:

132 notices sent 11 in favour 4 opposed

Mr. Marovich, 234 Country Club Drive spoke on this matter and indicated that he feels that the development would lower the value of the properties in the area.

The Committee discussed this matter and **APPROVED** the following:

That approval be given to Zoning Application 89-114, Daniel Stuart Alvey, agent for the owner, requesting a change in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single-family Detached) District to create three building lots for small lot single-family detached dwellings, for property located at the rear of 1490 Upper Gage Avenue, as shown on the attached map marked as Appendix "E", on the following basis:

(a) That the subject lands be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District;

(b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-38D for presentation to City Council; and,

(c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District for property located at the rear of 1490 Upper Gage Avenue.

The effect of the By-law is to create three (3) building lots for small lot single-family detached dwellings, fronting onto the proposed extension of Elmore Drive.

ZA90-12 - 1574 Upper Gage Avenue.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 April 10, respecting Zoning Application 90-12, for property at 1574 Upper Gage Avenue.

The Committee APPROVED the following:

That approval be given to Zoning Application 90-12, Alena Miller, owner, requesting a change in zoning from "L-mr-1" (Planned Development-Multiple Residential) District to "C" (Urban Protected Residential, etc.) District (Block "1"), and from "L-mr-1" (Planned Development-Multiple Residential) District to "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District modified (Block "2"), to permit a single-family dwelling on Block "1", and either a single-family dwelling, a two-family dwelling or townhouse dwelling having 3 units on property located at 1574 Upper Gage Avenue (Block "2"), as shown on the attached map marked as Appendix "F", on the following basis:

(a) That the lands described as Block "1" be rezoned from "L-mr-1" (Planned Development - Multiple Residential) District to "L-r" (Planned Development - Low Density Residential) District to "C" (Urban Protected Residential, etc.) District;

(b) That the lands described as Block "2" be rezoned from "L-mr-1" (Planned Development - Multiple Residential) District to "L-r" (Planned Development - Low Density Residential) District to "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District;

(c) That the "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District regulations as contained in Section 10 of Zoning By-law No. 6593 applicable to the lands described as Block "2", be modified to include the following variances as special requirements:

(i) That notwithstanding Section 10D(7)(a) of By-law No. 6593 a townhouse dwelling having a maximum of only 3 single-family dwelling units shall be permitted;

(ii) That notwithstanding Section 10D(7)(b) of By-law No. 6593 a minimum lot width of 20.20 m shall be permitted.

(d) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1173, and that the subject lands on Zoning District Map E-38C be notated S-1173;

(e) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-38C for presentation to City Council;

(f) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area;

(g) That the Eleanor Neighbourhood Plan be amended by redesignating Block "1" from "Attached Housing" to "Single and Double" residential.

NOTE: The purpose of the by-law is to provide for changes in zoning from "L-mr-1" (Planned Development - Multiple Residential) District to "C" (Urban Protected Residential, etc.) District (Block "1"), and from "L-mr-1" (Planned Development-Multiple Residential) District to "D" (Urban Protected Residential One and Two-Family Dwellings, Townhouses, etc.) District, modified (Block "2"), for property located at 1574 Upper Gage Avenue.

The effect of the by-law is to permit a single-family detached dwelling on Block "1", and either a single-family detached dwelling, a two-family dwelling or 3 unit townhouse dwelling on Block "2".

In addition, the By-law provides for the following variances as special requirements:

(a) To restrict the maximum number of townhouse dwelling units on Block "2" to three (Section 10D(7)(a));

(b) To permit a minimum lot width of 20.20 m for townhouse development on Block "2" instead of the required 27.0m (Section 10D(7)(b)).

ZA90-16 - 1610,1614, 1620 and 1626 Upper Gage Avenue.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 April 10, respecting Zoning Application 90-16, for property at 1610, 1614, 1620 and 1626 Upper Gage Avenue.

Report of the circularization was given as follows:

300 notices sent 4 in favour 8 opposed

Mr. Greg Dechance, 486 Eaglewood Drive spoke in opposition to this application. He is concerned that the development will be geared to income and will devalue his new home.

The owner of property at 491 Eaglewood Drive also spoke in opposition to this application. He indicated that he recently purchased his home and fears that this project could devalue his property.

Ms. Theresa Vanyeara, on Sinena Avenue spoke in opposition to the application and indicated that she fears it will devalue her property.

The owner of property on Sinena Avenue also spoke in opposition and indicated that she fears this project will devalue her property.

Mrs. Miller, owner of property in the area spoke in opposition to the application and indicated that this development has been pursued by the applicant for over two years now. She added that she feels residents should have some input on the site plan.

Mr. Harnden, co-owner and applicant for the property spoke to the Committee and indicated that he wishes approval for his application.

The Planning staff advised the Committee that this property automatically comes under site plan control. Staff from the Traffic Department advised the Committee that they are always opposed to street townhouses with direct access of each unit onto a main road. The Traffic Department favours block townhousing with a street in front of the property and a couple of entrances and exits onto the main arterial road instead.

The Committee discussed this matter at great length and agreed that they would APPROVE street townhousing. Note: the staff recommendation had recommended prohibiting a street townhouse development.

The Committee then APPROVED the following recommendation:

That approval be given to Zoning Application 90-16, H.C. Harnden and H.A. Anderson, owners, requesting a change in zoning from "AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District for Block "1" and a change in zoning from "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse-Maisonette) District for Block "2", to permit townhouse development for property located at 1610, 1614, 1620 and 1626 Upper Gage Avenue, as shown on the attached map marked as Appendix "G", on the following basis:

(a) That Block "1" be rezoned from "AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District;

(b) That Block "2" be rezoned from "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse-Maisonette) District;

(c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-38D for presentation to City Council; and,

(d) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District for Block "1" and a change in zoning from "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse-Maisonette) District for Block "2", for property located at 1610, 1614, 1620, and 1626 Upper Gage Avenue.

The effect of the By-law is to permit future development of the subject properties for street-townhouses, townhouses or maisonettes.

ZA90-02 - 70 and 80 Lancing Drive.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 April 4, respecting Zoning Application 90-02, for property at 70 and 80 Lancing Drive.

The Committee APPROVED the following:

That approval be given to Zoning Application 90-02, Juan Puig, owner, for a modification to the established "M-14" (Prestige Industrial) District regulations to permit the wholesale of steel and steel products, on property located at 70 and 80 Lancing Drive, as shown on the attached map marked as Appendix "H", on the following basis:

(a) That the "M-14" (Prestige Industrial) District regulations as contained in Section 17F of Zoning By-Law No. 6593, applicable to the subject lands, be modified to include the following variance as a special requirement:

(i) That notwithstanding Section 17F(1)(b), the following additional commercial use shall be permitted:

Commercial Use	S.I.C. Identification
Iron and Steel Primary Forms and Structural Shapes, Wholesale	5611

(b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1174, and that the subject lands on Zoning District Map E-59D be notated S-1174;

(c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-59D for presentation to City Council;

(d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide for a modification to the "M-14" (Prestige Industrial) District regulations, for properties located at 70 and 80 Lancing Drive.

The effect of the By-law is to permit the following additional commercial use:

Commercial Use	S.I.C. Identification
Iron and Steel Primary Forms and Structural Shapes, Wholesale	5611

ZA90-15 - west side of Anchor Road in the area south of Stone Church Road East.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated April 10, respecting Zoning Application 90-15, for property on the west side of Anchor Road in the area south of Stone Church Road East.

The Committee was also in receipt of a Letter of Submission from Gordon Albini, Gordon Construction, 12 Bigwin Road.

The Committee APPROVED the following:

(a) That approval be given to Official Plan Amendment No. 88 to establish a Special Policy Area to permit a limited number of commercial uses, and the City Solicitor be directed to prepare a by-law of adoption for submission to the Regional Municipality of Hamilton-Wentworth.

(b) That approval be given to Zoning Application 90-15, M. Mercanti, owner, requesting a further modification to the "M-13" (Prestige Industrial) District regulations, to permit the development of the subject lands for a 50 room motel/hotel, two banquet halls having 200 seats each and a Wedding Centre containing a catering business, limousine service, bridal boutique, video store, jewellery shop, flower/balloon shop, video/photo studio, gift shop, travel agency, and chapel, for lands located on the west side of Anchor Road in the area south of Stone Church Road East, as shown on the attached map marked as Appendix "I", on the following basis:

(i) That notwithstanding Sections 17E(1)(a), (c) and (d), a wedding centre comprised of one or more of the following uses shall be permitted:

Residential Uses	S.I.C. Identification
(1.) Hotel (max. 50 rooms); or,	9111
(2.) Motel (max. 50 rooms)	9112
Commercial Uses	
(1.) Other Transportation Services n.e.c., (restricted to a limousine service exc. airports and stations))	4589
(2.) Womens Clothing Store restricted to a Bridal Boutique)	6131
(3.) Florist Shop	6521
(4.) Jewellery Store	6561
(5.) Gift, Novelty & Souvenir Store (restricted to a gift shop and balloon store)	6582
(6.) Operators of Non-Residential Buildings (restricted to two banquet halls maximum capacity of 200 persons each)	-7512
(7.) Caterers	9214
(8.) Motion Picture Video Production (restricted to video production)	9611
(9.) Religious Organizations (restricted to a chapel)	9811
(10.) Photographers	9931
(11.) Ticket and Travel Agency	9961
Industrial Use	
(1.) Dry Pasta Products Industry	1092

(c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-658c, and that the subject lands on Zoning District Map E-69B be notated S-658c;

(d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-69B for submission to City Council;

(e) That the proposed change in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon the approval of Official Plan Amendment No. 88 by the Regional Municipality of Hamilton-Wentworth.

NOTE: The purpose of the by-law is to provide for a further modification to the "M-13" (Prestige Industrial) District regulations for the property located on the west side of Anchor Road in the area south of Stone Church Road East.

The effect of the by-law is to permit the development of the subject lands for a wedding centre comprised of one or more of the following uses:

Residential Uses

(a) Hotel (maximum 50 rooms); or
(b) Motel (maximum 50 rooms)

Commercial Uses

(a) Two banquet halls, having 200 seats each;
(b) Catering business;
(c) Limousine service;
(d) Bridal boutique;
(e) Jewellery store;
(f) Video/photo studio;
(g) Gift shop;
(h) Flower/balloon shop;
(i) Chapel;
(j) Travel agency.

Industrial Use

(a) Manufacturing of dry pasta products.

ZA90-30 - 12 Ray Street South.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 April 3, respecting Zoning Application 90-30, for property at 12 Ray Street South.

The Committee APPROVED the following:

That approval be given to Zoning Application 90-30, Regina Pirro, owner, requesting the removal of the 'H' (Holding) symbol under Section 35(1) of the Planning Act, and the City Solicitor be directed to prepare a by-law for submission to City Council for property located at 12 Ray Street South, as shown on the attached map marked as Appendix "J".

NOTE: The purpose of this by-law is to remove the 'H' (Holding) Symbol for the property located at 12 Ray Street South. The holding provision was placed on the subject lands until such time as adequate parking was provided on-site. In this regard, the site can accommodate four (4) parking spaces.

The effect of this by-law is to permit the conversion of the existing building for such uses as a hair dresser, beauty salon, business offices, etc. Professional offices are excluded.

NOTE: Alderman Kiss opposed.

Walkway Closure between Cranbrook Drive and Gardiner Drive, Gilkson Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 February 21, respecting requested walkway closure between Cranbrook Drive and Gardiner Drive, Gilkson Neighbourhood.

Mr. George Pollock, 103 Gardiner Drive spoke to the Committee and indicated that he is an eighteen year resident of the area. He advised that he wishes to have the walkway closed due to the amount of debris in the walkway, as well as the area being used as a hangout. Mr. Pollock further added that the walkway condition is deteriorating as the area becomes more developed. He also added that the walkway was an afterthought in the development and not properly planned.

Ms. Ruth Ann Broughan, 75 Gardiner Drive spoke in support of maintaining the walkway. She added that her family uses the walkway and if it were closed it would create a great inconvenience for them. She further added that her family felt the walkway was an asset when they purchased their home.

Ms. Wendy Blackwell, 352 Cranbrook Drive also spoke in support of maintaining the walkway and disputes that there is excessive litter in the walkway any more than there is in any other area.

The owner of property at 360 Cranbrook Drive also spoke in support of maintaining the walkway and also disputed the amount of excessive litter in the walkway area. She sees the walkway as an asset to the properties.

The Committee discussed this matter at great length and APPROVED the following:

(a) That the walkway between Cranbrook Drive and Gardiner Drive, Gilkson Neighbourhood remain open and the Neighbourhood plan not be changed, as attached herewith on Appendix "K".

(b) That the Transport and Environment Committee be informed of the above-noted recommendation contained in Section (a).

Further to discussion on this matter, the Committee also spoke about the need for maintenance of these walkways. Alderman Ross, indicated that he would speak to the Transport and Environment Committee with respect to the need for maintenance of these walkways as part of the Public Works Maintenance Programme.

City Initiative - Harbour Zoning.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 April 12, respecting City Initiative - Harbour Zoning.

Alderman Merling expressed considerable concerns with respect to various aspects of this recommendation and general discussion ensued on this matter by the Committee.

It was then agreed that this matter would be TABLED to the next meeting of the Planning and Development Committee, in order that Mr. Ian Binnie, the City's Solicitor with respect to Harbour matters could be invited to attend the meeting to speak to the Committee on issues pertaining to the Harbour. It was noted that since this discussion would contain matters of a Private and Confidential nature that this portion of the Agenda would probably be held In-Camera.

Uses permitted within the "M" District.

Alderman Lombardo expressed concerns about the uses contained within the "M" District and requested that this staff report be expedited as quickly as possible. Mr. Paul Mallard of the Planning Department advised the Committee that this staff report is being processed and that they will ensure that this matter is given priority.

Adjournment.

There being no further business, the meeting then adjourned.

Taken as read and approved,

ALDERMAN J. SMITH, CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE

Susan K. Reeder
Secretary
1990 April 18

CITY CLERK

6. Information Report - Proposed Consent Agenda Format.

LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE

7. Designation - 172-176 Locke Street South.

8. Heritage Easement Agreement - James Street Baptist Church.

9. To be lifted from the table - Designation - Tivoli Theatre, 108-112 James Street North.

   (a) Request for designation by the owner.

   (b) L.A.C.A.C. Report.

DELEGATIONS

9:30 O'CLOCK A.M.

CASH-IN-LIEU OF PARKING COMMITTEE

10.(a) 848 Main Street East. (report to follow)

   (b) Delegation - Mr. Martin Humphries, President, The Helm Group re: Cash-in-lieu of Parking, 848 Main Street East.

10:00 O'CLOCK A.M.

11. To be lifted from the table - Report - Royal Commission on the Future of the Toronto Waterfront - Delegation - Charles Forsyth, Chairperson, C.A.P.I.C.

ZONING APPLICATIONS

10:30 O'CLOCK A.M.

COUNCIL CHAMBERS

10:30 O'CLOCK A.M.

12. To be lifted from the table - Upper James Street Land Use Review.

11:00 O'CLOCK A.M.

13. Subdivision Application 25T-90004 and Zoning Application 90-07, 603976 Ontario Ltd. (J. Rubino and D. Valentini) owners, for a change in zoning from "AA" modified to "R-4" for the rear part of properties at 1448-1500 Upper Sherman Avenue, Butler Neighbourhood.

14. Zoning Application 90-37, Select Site Properties Ltd., owner, for a change in zoning from "JJ" and "KK" to "HH", for the rear part of property at 315 Centennial Parkway North; Nashdale Neighbourhood.

15.(a) Zoning Application 89-111, Y. Sharif, owner, for a change in zoning from "AA" to "C" modified for part of property at 991 Upper Paradise Road; Falkirk East Neighbourhood.

(b) Request for an amendment to the proposed plan of subdivision "Sharif Estates".

11:15 O'CLOCK A.M.

16. Zoning Application 90-33, R. McDonnell, R. Lewczuk and P. Serrani, owners, for a change in zoning from "AA" and "C" to "RT-20" for property at 1606 Upper Gage Avenue; Eleanor Neighbourhood.

17. City Initiative 90-D, for a modification to the "A" District regulations for land in the block bounded by King Street West, Locke Street North, Florence Street and Strathcona Avenue North (Victoria Park); Strathcona Neighbourhood.

11:30 O'CLOCK A.M.

18. Zoning Application 90-26, Dr. R. Smith, owner, for a change in zoning from "C" to "G-3" for the rear part of property at 1502 Main Street East; Bartonville Neighbourhood.

19. Zoning Application 90-29, 687469 Ontario Inc. (R. Yates), owner, for a further modification to the "HH" District regulations for property at 1024 Upper Wentworth Street; Bruleville Neighbourhood.

(a) Petition of Submission.

DIRECTOR OF LOCAL PLANNING

20. To be lifted from the table - Zoning Application 90-22, Taba Developments Ltd., owner, for a modification to the "M-12" District regulations for lands on the east side of Upper Ottawa Street in the area south of Stone Church Road East; Rymal Neighbourhood.

21. Proposed Draft Plan of Condominium "Regal Castle Condominium", Regal Castle Development Inc., owner, property located on the south side of Limeridge Road East, west of Upper Wentworth Street and north of the future Mountain Freeway.

22. Proposed Draft Plan of Condominium "Stone Church Industrial Park" Stone Church Condominium Development Inc., owner, property located on the south side of Stone Church Road East and west of Pritchard Road.

23. Extension of Draft Approval for "Ridgeview Estates" Subdivision.

24. To be lifted from the table - Windermere Basin Land Use Disposition.

25. Site Plan Control Application 89-98, Ernie and Joyce Monkley, owners, for lands known as 81 Dartnall Road; Hannon North Neighbourhood.

26. Other Business.

27. Adjournment.

Wednesday, 1990 May 2
9:00 o'clock a.m.
Room 233, City Hall

The Planning and Development Committee met.

There were present: Alderman J. Smith, Chairman
Alderman F. Lombardo, Vice-Chairman
Alderman M. Kiss
Alderman D. Christopherson
Alderman D. Drury
Alderman H. Merling
Alderman W. McCulloch

Regrets: Mayor Robert M. Morrow - Civic Business
Alderman D. Ross - Regional Business

Also present: Alderman T. Cooke
Alderman G. Copps
Mr. Kelterborn, Board of Education
Mr. A. Georgieff, Director of Local Planning
Mr. P. Mallard, Planning Department
Mr. P. Lampman, Deputy Building Commissioner
Mr. D. Pickard, Building Department
Mr. B. Janssen, Planning Department
Mr. K. Brenner, Regional Engineering Department
Ms. Patrice Noé Johnson, City Solicitor
Mr. P. Hooker, City Solicitor's Office
Mr. J. Sakala, Planning Department
Mr. K. Christenson, Waterfront Project Co-ordinator
Mr. J. Robinson, Community Development Department
Mrs. C. Floroff, Planning Department
Mr. B. Loreto, City Solicitor's Office
Ms. M. Tanner, Planning Department
Mrs. Susan K. Reeder, Secretary

Minutes - 1990 April 4.

The Committee was in receipt of the minutes of their meeting held Wednesday, 1990 April 4 and approved these minutes.

Demolition Permit Applications.

The Committee was in receipt of a report from the Building Commissioner dated 1990 April 23, respecting Demolition Permit Applications. The Building Commissioner recommends that properties at 150 and 152 Catharine Street South be tabled since they are of interest to L.A.C.A.C.

The Committee discussed this matter and approved the following:

That the Building Commissioner be authorized to issue a demolition permit for the following property:

(a) 279 Lake Avenue North.

NOTE: Demolition permit applications for properties at 150 and 152 Catharine Street South have been tabled, since they are of interest to L.A.C.A.C., with the understanding that these applications will be brought back to the Planning and Development Committee at its next meeting for consideration.

NOTE: Alderman Lombardo opposed.

L.A.C.A.C. input on Demolition Permit Applications.

Some discussion also ensued with respect to properties of interest to L.A.C.A.C. at the Demolition Permit Application stage. Several members of the Committee expressed concern at the appearance of L.A.C.A.C. reacting to this type of occurrence at the last minute. Mrs. Nina Chapple of the Planning Department indicated that this is the earliest opportunity that L.A.C.A.C. has to respond, in accordance with the process of notification internally which has been established.

The Committee requested that staff review the current process of notification of Demolition Permit Applications and other planning matters with L.A.C.A.C., in order that it not appear that L.A.C.A.C. is reacting at the last minute.

1990 Submission - Business Improvement Areas - Commercial Improvement Programme.

The Committee was in receipt of a report from the Director of Community Development dated 1990 April 15, respecting the 1990 Submission - Business Improvement Areas - Commercial Improvement Programme. The Committee was advised that the details of these projects will come back to the Planning and Development Committee for final approval.

The Committee then approved the following:

(a) That, the Commercial Improvement Programme Submission, attached herewith and marked Appendix "A", be approved at an estimated gross cost of one hundred and thirty-nine thousand, nine hundred and forty dollars ($139,940.); and,

(b) That, the Department of Community Development be authorized to implement the recommendations in (a) above.

NOTE: On 1987 January 19, City Council approved the Department of Community Development's Capital Budget Submission of five hundred thousand dollars ($500,000.) per year for the next five (5) years for a total of two and a half million dollars ($2,500,000.) for the Commercial Improvement Programme. There will be approximately six hundred and sixty-six thousand dollars ($666,000.) unallocated if Appendix "A" is approved.

Site Plan Control Application - DA89-64 to amend DA82-61 and DA86-84 - 985 Upper Ottawa Street and 5 Carson Drive.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 April 23, respecting Site Plan Control Application DA-89-64 to amend DA-82-61 and DA-86-84 for an addition to the existing commercial plaza at 985 Upper Ottawa Street and 5 Carson Drive.

The Committee approved the following:

That approval be given to Site Plan Control Application DA-89-64, amending DA-82-61 and DA-86-84 by BYM Construction Ltd., owners of lands known as 985 Upper Ottawa Street and 5 Carson Drive for an addition to the existing commercial plaza, subject to the following:

(a) Modification to the Plan in relation to notes, dimensions and landscaping as marked in red on the plans; and,

(b) Finalization of the By-law related to Zoning Application 87-60.

The following resolution was forward to City Council for approval with respect to this Site Plan Application:

That in regard to Site Plan Control Application DA-89-64 by BYM Construction Ltd., owners of lands known as 985 Upper Ottawa Street and 5 Carson Drive for an addition to the existing commercial plaza, that the following be approved:

(a) That the plans and drawings of Site Plan Control Application DA-89-64, be registered on title; and,

(b) That the neighbourhood plan be amended to redesignate the subject lands from "Attached Housing" to "Commercial" as approved under Zoning Application ZA-87-60 to permit an expansion to the existing shopping plaza.

NOTE: Since the plans and drawings were submitted as exhibits at the Ontario Municipal Board Hearing held 1989 August 15, they should be registered on title to ensure that the development of the lands are consistent with the Board's decision and the approval of Site Plan Control Application DA-89-64.

Request for By-laws - Section 56 of The Planning Act - City Inititative 90-A, 203 and 205 Hess Street North.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 April 25, respecting a Request for By-laws - Section 56 of the Planning Act - City Initiative 90-A, for properties at 203 and 205 Hess Street North.

Mr. P. Mallard of the Planning Department outlined this report and indicated this uniqueness. Further to this the Committee agreed that a reasonable fee for administration costs be levied for this City Initiative and the Lawyer representing the applicants was in attendance and concurred that this was acceptable to her and her clients.

Accordingly, the Committee approved the following:

That approval be given to City Initiative 90-A, M. and I. Bakai, applicants, for two By-laws to validate title under Section 56 of the Planning Act, for properties located at 203 and 205 Hess Street North, as shown on the attached map marked as Appendix "B", on the following basis:

(a) That the City Solicitor be directed to prepare By-laws pursuant to Section 56 of the Planning Act for presentation to City Council.

IN-CAMERA - matters relating to the Harbour.

At this point the Committee moved IN-CAMERA to discuss matters relating to the Harbour with Mr. Ian Binnie, the City's Solicitor on matters relating to the Harbour.

Zoning amendment requests - Hamilton Harbour Commissioners.

The Committee then moved back into regular session and it was agreed that further to the request of the Hamilton Harbour Commissioners respecting some amendments they would like to see made in areas of the Harbour, that the Hamilton Harbour Commissioners be required to come forward with a specific zoning application on these requests.

The Committee also agreed that when this zoning application from the Hamilton Harbour Commissioners is presented to the Planning and Development Committee that Mr. Ian Binnie, the City's Solicitor on Harbour matters be requested to be in attendance at that meeting in order to give the Committee advice on the Harbour Commissioners request.

C.I.90-B - Harbour Zoning.

The Committee then approved the following City Initiative with respect to Harbour zoning:

(a) That approval be given to Official Plan Amendment No. 87 to modify Policy A.2.7.2 (Utilities) to clarify land use jurisdiction of lands designated "Utilities" in the Hamilton Harbour, and the City Solicitor be directed to prepare a By-law to amend the Official Plan for submission to the Regional Municipality of Hamilton-Wentworth for approval.

(b) That approval be given to City Initiative 90-B to provide for amendments to Zoning By-law No. 6593, as amended by By-law No. 83-239, respecting the proposed "F-3" (Marine Transportation Services) District and "F-4" (Waterfront Services) District, applicable to the lands known as Piers 25 to 27 and Piers 10 to 14, as shown on the attached map marked as Appendix "H", on the following basis:

(i) That By-laws 83-258 and 84-179 be repealed in their entirety;

(ii) That Section 2 of By-law No. 83-239 be amended by deleting the portion beginning with Section 12C - "F-3" District and Section 12D - "F-4" District in their entirety, and substituting the attached Appendix "I" therefor;

(iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593, as amended by By-law 83-239, for presentation to City Council; and

(iv) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the proposed Official Plan amendment is to clarify the intent of the Official Plan respecting land use jurisdiction for those lands designated "Utilities" in the Hamilton Harbour.

The purpose of the proposed By-law amendments is to clarify the intent of the "F-3" (Marine Transportation Services) District and "F-4" (Waterfront Services) District, with respect to the jurisdiction of the Hamilton Harbour Commissioners for shipping and navigation matters.

NOTE: Alderman Merling opposed.

Windermer Basin - process being followed.

Further to discussions on Harbour lands the Committee mentioned Windermere Basin and their concerns that the process that will be used on the land use in that area.

Following some discussion by the Committee on this matter, the Committee directed that a report be brought back to them from the Planning Department containing a one page sketch of the process plans which will be used for land use at Windermere Basin. The Committee also directed that the report contain a list of the membership of the Windermere Basin Technical Advisory Committee. Alderman Merling specifically expressed his view that a senior planner should be involved in that Committee.

Zoning Applications.

The Committee then moved into the City Hall Council Chambers to hear Zoning Applications.

Amended ZA88-119 - 26 Arrowsmith Road.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 April 24, respecting Amended Zoning Application 88-119, for property at 26 Arrowsmith Road.

The Committee approved the following:

(a) That approval be given to Official Plan Amendment No.90 to establish a Special Policy Area to permit general office uses, and the City Solicitor be directed to prepare a By-law of adoption for submission to the Regional Municipality of Hamilton-Wentworth.

(b) That approval be given to amended Zoning Application 88-119, DiMarcantonio Industries Ltd. (S. Dimarcantonio, D. DiMarcantonio, and P. DiMarcantonio), owners, requesting a modification to the "JJ" (Restricted Light Industrial) District and "KK" (Restricted Heavy Industrial) District, to permit general office use within the existing building, for property located at 26 Arrowsmith Road, as shown on the attached map marked as Appendix "C", on the following basis:

(i) That the "JJ" (Restricted Light Industrial) District and "KK" (Restricted Heavy Industrial) District regulations as contained in Sections 16A and 17A of Zoning By-law of No. 6593, applicable to the subject lands, be modified to contain the following variance as a special provision:

(1.) That notwithstanding Sections 16A(1) and 17A(1) of Zoning By-law No. 6593, general offices shall be permitted within the existing building only;

(ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1175, and that the subject lands on Zoning District Map E-103 be notated S-1175;

(iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-103 for presentation to City Council;

(iv) That the proposed change in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon the approval of Official Plan Amendment No.90 by the Regional Municipality of Hamilton-Wentworth.

NOTE: The purpose of the By-law is to provide for a modification to the "JJ" (Restricted Light Industrial) District and "KK" (Restricted Heavy Industrial) District regulations for property located at 26 Arrowsmith Road.

The effect of the By-law is to permit, in addition to the existing manufacturing use, general office uses within the existing building.

Amended ZA89-18 - 469 Bay Street North.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 April 20, respecting Amended Zoning Application 89-18, for property at 469 Bay Street North.

The Committee approved the following:

That approval be given to amended Zoning Application 89-18, H.M. and A.K. Nyhof, owners, for a modification to the "D" (Urban Protected Residential - One and Two Family Dwellings. Townhouses, etc.) District regulations, to permit a residential dwelling unit on the upper level and a sail making and repair shop including canvas work and the sale of marine hardware on the lower level within the existing building, for the property located at 469 Bay Street North, as shown on the attached map marked as Appendix "D", on the following basis:

(a) That the "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District regulations, as contained in Section 10 of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:

(i) That notwithstanding Section 10(1), the following uses shall be permitted:

(1.) Industrial Use only within the first floor of the existing building

(a) A sail making and repair shop including canvas work; and,

(2.) Commercial use only within the first floor of the existing building

(a) A retail store for the sale of marine hardware.

(3.) Accessory Use

(a) One ground sign, wall sign, or projecting sign having an area of not more than 0.4 m^2 non-illuminated or illuminated by non-flashing indirect or interior means only, located not less than 1.5 m from the nearest street line in connection with the commercial and industrial uses.

(ii) That Section 18A(1)(a) shall not apply for the Class "A" dwelling unit on the second floor.

(b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1176, and that the subject lands on Zoning District Map W-2 be notated S-1176;

(c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-2 for presentation to City Council;

(d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of this By-law is to provide for a modification to the "D" (Urban Protected Residential - One and Two Family Dwellings. Townhouses, etc.) District regulations, for the property located at 469 Bay Street North.

The effect of this By-law is to permit a sail making and repair shop including canvas work, and the sale of marine hardware on the lower level within the existing building.

In addition, the by-law permits one wall sign, ground sign or projecting sign not greater than 0.4 m^2 in area, non-illuminated or illuminated by interior means only and not closer than 1.5 m to the street line.

ZA90-14 - 249 Stone Church Road East and 1415 Upper Wellington Street.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 April 25, respecting Zoning Application 90-14, for property at 249 Stone Church Road East and 1415 Upper Wellington Street.

The Committee approved the following:

(a) That approval be given to Zoning Application 90-14, Mount Hamilton Christian Homes Inc., owner, for a change in zoning from "C" (Urban Protected Residential, etc.) District modified to "DE" (Low Density Multiple Dwellings) District modified (Block "1") and for a further modification to the "DE" (Low Density Multiple Dwellings) District (Block "2"), to permit the construction of a 3 storey, 12 unit addition to the existing senior citizen's residence, and to permit the existing two-family dwelling and provide for 17 additional parking spaces, for properties located at 249 Stone Church Road East and 1415 Upper Wellington Street as shown on the attached map marked as Appendix "E", on the following basis:

(i) That the lands described as Block "1" be rezoned from "C" (Urban Protected Residential, etc.) District modified to "DE" (Low Density Multiple Dwellings) District;

(ii) That the "DE" (Low Density Multiple Dwellings) District regulations as contained in Section 10A of Zoning By-law No. 6593 applicable to the lands described as Blocks "1" and "2" be modified to include the following variances as special requirements:

(1.) That notwithstanding Section 10A(1) of By-law No. 6593, a two-family dwelling shall be permitted within the building existing at the date of passing of this by-law, municipally known as 249 Stone Church Road East;

(2.) That notwithstanding Section 10A(3)(iii) of By-law No. 6593, a rear yard of a depth of at least 5.0 m shall be provided and maintained for the building addition on Block "1";

(3.) That Section 4(3)(a) of By-law 6593 shall not apply;

(4.) That notwithstanding Section 18A, Table 1, 1.(g) of By-law No. 6593, a minimum of 73 parking spaces shall be provided and maintained;

(5.) That Section 18A(11) & (12) shall not apply to the most northerly lot line adjoining the parking area;

(6.) That notwithstanding Section 18A(25) of By-law No. 6593, the existing westerly access driveway on Stone Church Road East shall be permitted.

(iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-913a, and that the subject lands on Zoning District Map E-18C be notated S-913a;

(iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-18C for presentation to City Council;

(v) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

(b) That By-law 83-165 be repealed.

NOTE: The purpose of this By-law is to provide for a change in zoning from "C" (Urban Protected Residential, etc.) District to "DE" (Low Density Multiple Dwellings) District modified (Block "1"), and for a further modification to the "DE" (Low Density Multiple Dwellings) District (Block "2"), for properties located at 249 Stone Church Road East and 1415 Upper Wellington Street.

The effect of the By-law is to permit the construction of a 3 storey, 12 unit addition to the existing senior citizens' residence (Blocks "1" & "2"), and to permit a two-family dwelling in the existing building on Block "1".

In addition, the by-law provides for the following variances as special requirements.

(a) To permit a minimum rear yard of 5.0 to be provided and maintained for the building addition on Block "1" whereas a minimum rear yard of 7.5 m is required (Section 10A(3)(iii));

(b) To permit two principal residential buildings on the lot (Section 4(3)(a));

(c) To require a minimum of 73 parking spaces to be provided and maintained (Section 18A Table 1 1.(g));

(d) To delete the requirement of a 1.5 m wide landscape planting strip along the most northerly lot line adjoining the parking area (Section 18A (11) & (12));

(e) To permit the existing westerly access driveway on Stone Church Road East. (Section 18A(25)).

ZA89-76 – 206-210 Jackson Street East.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 April 24, respecting Zoning Application 89-76, for property at 206-210 Jackson Street East.

Report of the circularization was given as follows:

546 notices sent 18 in favour 4 opposed

Mr. James Jordan, 214 Jackson Street East spoke to the Committee and requested clarification on matters such as whether a fence would be placed along the east side of the property, whether adequate parking would be provided, and when construction would begin.

The developers then responded to Mr. Jordan's questions by indicated that construction is anticipated by late Summer or early Fall of 1990, that ample parking, above the required number of parking spaces, will be provided and that a fence along the east side of the property will be erected.

The Committee then approved the following:

That approval be given to an amended Zoning Application 89-76, First Place Hamilton, owner, requesting a modification to the "E" (Multiple Dwellings, Lodges and Clubs, etc.) District, to permit the development of the subject lands for a six storey, 29 unit, non-profit senior citizen apartment building, for the property located at 206-210 Jackson Street East, as shown on the attached map marked as Appendix "F", on the following basis:

(a) That the "E" (Multiple Dwellings, Lodges and Clubs, etc.) District regulations, as contained in Section 11 of Zoning By-law No. 6593, applicable to the subject lands be modified to include the following variances as special requirements:

(i) That notwithstanding Section 11.(1), a senior citizens multiple dwelling containing a maximum of 29 units shall be permitted;

(ii) For purposes of this by-law, a senior citizens multiple dwelling means a multiple dwelling in which all residents are at least 60 years of age or older;

(iii) That notwithstanding Section 11.(5), the floor area ratio shall not exceed 1.99.

(iv) That notwithstanding Section 18A.(1), Table 1, a minimum of 0.3 parking space for each Class "A" dwelling unit shall be required.

(v) That notwithstanding Sections 18A.(1)(a) and (b), and 18A.(9), the required parking spaces shall be permitted to be located off-site on the property located at the north-east corner of Jackson Street East and Ferguson Avenue South.

(vi) That sections 18A.(11) and (12) shall not apply to the loading space.

(b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1177, and that the subject lands on Zoning District Map E-5 be notated S-1177;

(c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-5 for presentation to City Council;

(d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

(e) That the approved Corktown Neighbourhood Plan be amended by redesignating the subject lands from "Medium Density Apartments" to "High Density Apartments".

(f) That the amending by-law not be passed by City Council until:

(i) The site plan has been approved by the Planning and Development Committee;

(ii) The applicant places a restrictive covenant on title to the satisfaction of the City's Solicitors Department respecting the shared parking arrangement; and,

(iii) The property be placed under the same ownership as the property located at the northeast corner of Jackson Street East and Ferguson Avenue South to the satisfaction to the City Solicitors Department.

NOTE: The purpose of the by-law is to provide for a modification to the "E" (Multiple Dwellings, Lodges, Clubs. etc.) District for the property located at 206-210 Jackson Street East.

The effect of the by-law is to permit the development of the subject lands for a six storey, 29 unit, non-profit senior citizens apartment building.

In addition, the by-law provides for the following variances:

(a) To permit a maximum floor area ratio of 1.99 instead of the by-law requirement of 1.7;

(b) To permit a minimum of 9 parking spaces instead of the required 24 spaces;

(c) To allow the required parking spaces to be located on the lands located at the northeast corner of Jackson Street East and Ferguson Avenue South; and,

(d) To exempt the required loading space from the setback and landscaping requirements.

Amended ZA87-130 - north east corner of Jackson Street East and Ferguson Avenue South.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 April 24, respecting Amended Zoning Application 87-130, for property on the north-east corner of Jackson Street East and Ferguson Avenue South.

The Committee approved the following:

That approval be given to an amended Zoning Application 87-130, First Place Hamilton, owner, requesting a change in zoning from "H" (Community Shopping and Commercial, etc.) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District modified (Block "1"), and a modification to the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District (Block "2"), to permit the construction of a seven storey, 50 unit non-profit apartment building containing a day nursery for a maximum of 48 children on the ground floor, for the property located at the northeast corner of Jackson Street East and Ferguson Avenue South, as shown on the attached map marked as Appendix "G", on the following basis:

(a) That Block "1" be rezoned from "H" (Community Shopping and Commercial, etc.) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District;

(b) That the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations, as contained in Section 11 of Zoning By-law No. 6593, applicable to Blocks "1" and "2", be modified to include the following variances as special requirements:

(i) A multiple dwelling containing a maximum of 50 units shall be permitted;

(ii) That notwithstanding Section 11.(1), a day nursery for not more than 48 children shall be permitted in conjunction with the multiple dwelling;

(iii) That notwithstanding Section 11.(3)(i)(b), a front yard depth of at least 6.5 m shall be provided and maintained;

(iv) That notwithstanding Section 11.(3)(ii)(b), a westerly side yard of width of at least 0.8 m shall be provided and maintained;

(v) That notwithstanding Section 11.(5), the floor area ratio shall not exceed 2.34.

(vi) That notwithstanding Section 18A.(1)(a), a minimum of 63 parking spaces shall be provided and maintained;

(vii) That notwithstanding Section 18A(7), a raised curb (wheelstop) shall be permitted;

(viii) That Sections 18A(11) and (12) shall not apply to the loading space.

(c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1178, and that the subject lands on Zoning District Map E-5 be notated S-1178;

(d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-5 for presentation to City Council;

(e) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

(f) That the approved Corktown Neighbourhood Plan be amended by redesignating the subject lands from "Commercial and Apartments" to "High Density Apartments".

(g) That the amending by-law not be passed by City Council until:

(i) The site plan has been approved by the Planning and Development Committee;

(ii) The applicant place a restrictive covenant on title to the satisfaction of the City Solicitors Department respecting the shared parking arrangement;

(iii) The property be placed under the same ownership as the property located at 206-210 Jackson Street East to the satisfaction of the City Solicitors Department; and,

(iv) The applicant place a warning clause on title as per CN's letter to the satisfaction of the City Solicitors Department.

NOTE: The purpose of the by-law is to provide for a change in zoning from "H" (Community Shopping and Commercial, etc.) District to "E" (Multiple Dwellings, Lodges and Clubs), modified District (Block "1") and a modification to the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District (Block "2") for the property located at the north-east corner of Jackson Street East and Ferguson Avenue South.

The effect of the by-law is to permit the development of the subject lands for a 7 storey, 50 unit non-profit multiple dwelling containing a day nursery for a maximum of 48 children on the ground floor.

In addition, the by-law will provide for the following variances:

(a) To permit a day nursery having a maximum of 48 children within the apartment building whereas only 25 children would be permitted;

(b) To permit a maximum floor area ratio of 2.34 whereas the by-law permits 1.7;

(c) To permit a minimum westerly side yard of 0.8 m whereas the Zoning By-law requires 4.36 m;

(d) To permit a minimum front yard of 6.5 m whereas the Zoning By-law requires 11.84 m;

(e) To require a minimum of 63 parking spaces on-site whereas 48 are required;

(f) To permit raised curbs within the parking space; and,

(g) To exempt the loading space from setback, landscaping and buffering requirements.

ZA90-19 - south-west corner of Upper Sherman Avenue and Limeridge Road East.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 April 20, respecting Zoning Application 90-19, for property at the south-west corner of Upper Sherman Avenue and Limeridge Road East.

The Committee was in receipt of a submission from Judy Dillon, 613 Limeridge Road East.

The Committee was also in receipt of a letter from the applicant requesting that his zoning application be tabled indefinitely.

Accordingly, the Committee agreed to table Zoning Application 90-19.

ZA90-23 - 14 Duke Street.

The Committee was in receipt of a Faxmemo from Mr. Brian Ulrich, respecting property at 14 Duke Street. Mr. Ulrich advises the Committee that their Zoning Application 90-23, for property at 14 Duke Street is no longer required since changes to their application has made a zoning change unnecessary.

Accordingly, the Committee tabled this application.

Upper James Street Land Use Review (between Wembley and South Bend Road)

The Committee was advised that the matter respecting Upper James Street Land Use Review (between Wembley and South Bend Road) should be tabled to the next meeting of the Committee since the Ward Alderman is out of town on Regional business. Accordingly, the Committee agreed to table this report.

Impact of a fast-food restaurant traffic generation.

Under other business, Alderman Merling spoke to the Committee about his concerns respecting a fast food restaurant and the impact that is being felt by the Neighbourhood since no parking is available in the area.

The Deputy Building Commissioner responded and indicated that a take-out restaurant does not require parking. It was indicated by the Alderman that even though no parking signs are posted that a driveway which is to be used for staff only is being used by patrons. It was suggested to the Alderman that this driveway could be barricaded at the property line and the Alderman indicated that he would look into this matter further.

C.I.89-E - regulations for establishments selling/repairing firearms.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 April 24, respecting City Initiative 89-E, respecting the regulations for establishments selling/repairing firearms.

A delegation from the area made a submission on behalf of the South-West Neighbourhood Group and submitted a written document respecting their concerns.

Considerable discussion ensued on this matter by the Committee and the following recommendation was approved:

That approval be given to City Initiative 89-E to provide for amendments to Zoning By-law No. 6593 respecting the regulations for establishments selling/repairing firearms, on the following basis:

(a) That the following definition of a gun shop be added to Section 2(2)D of Zoning By-law No. 6593:

"(iiia) "Gun shop" shall mean any building or premises that:

1. includes the purchase or sale, making, repair, alteration, modification or taking in pawn of firearms; or,

2. involves the purchase or sale of ammunition."

(b) That Section 14(1)(xiv) of Zoning By-law No. 6593 be amended by deleting the words "gunsmith's or" in the sixth line;

(c) That Section 13A(1) of Zoning By-law No. 6593 be amended by adding the following subsection:

"(ixb) A gun shop;"

(d) That Section 13B(1) of Zoning By-law No. 6593 be amended by adding the following subsection:

"(l) A gun shop;"

(e) That Section 13D(1) of Zoning By-law No. 6593 be amended by adding the following subsection:

"(xvia) A gun shop;"

(f) That Section 16(1) of Zoning By-law No. 6593 be amended by adding the following subsection:

"(iva) A gun shop;"

(g) That Section 16A(1) of Zoning By-law No. 6593 be amended by adding the following subsection:

"(ek) A gun shop;"

(h) That Sections 17C(1)(c), 17D(1)(c), 17E(1)(c), 17F(1)(c), 17G(1)(c) of Zoning By-law No. 6593 be amended by adding the following to Table 4:

		"District				
Identification Number	Use Not Prohibited	M11	M12	M13	M14	M15
N/A	Gun Shop	X	X	X	X	X"

(i) That Section 18 of Zoning By-law No. 6593 be amended by adding a new subsection to the following effect:

"Special requirements for establishments selling/repairing firearms

(12) Notwithstanding any provisions of this By-law, every gun shop shall comply with the following:

(a) Display

No window display of firearms shall be permitted.

(b) Location Requirement

A minimum radial separation distance of 300 m shall be provided from the lot line to the lot line of any school."

(j) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 for presentation to City Council; and,

(k) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide for amendments to Zoning By-law No. 6593 to establish new regulations for establishments selling/repairing firearms.

The effect of the By-law is to establish a new definition of a gun shop as follows:

" Gun shop shall mean any building or premises that:

1. includes the purchase or sale, making, repair, alteration, modification or taking in pawn of firearms; or,

2. involves the purchase or sale of ammunition."

The By-law also permits gun shops in the following zoning districts only:

"G-1"	(Designed Shopping Centre) District
"G-2"	(Regional Shopping Centre) District
"G-4"	(Designed Neighbourhood Shopping Area) District
"J"	(Light and Limited Heavy Industry, etc.) District
"JJ"	(Restricted Light Industrial) District
"K"	(Heavy Industry, etc.) District
"KK"	(Restricted Heavy Industrial) District
"M-11"	(Prestige Industrial) District
"M-12"	(Prestige Industrial) District
"M-13"	(Prestige Industrial) District
"M-14"	(Prestige Industrial) District
"M-15"	(Prestige Industrial) District.

In addition, the By-law prohibits the window display of firearms and requires a minimum separation distance of 300 m (1,000 feet) between a gun shop and a school.

For the information of the members of City Council, the Planning and Development Committee have directed that the City Solicitor investigate and report back on possible methods which could be implemented by the City on control of the storage of gunpowder and ammunition.

Further to this matter, the Committee also approved the following:

That the City Solicitor investigate and report back to the Planning and Development Committee on what prohibitive measures can be taken by the City of Hamilton to limit the amount of ammunition contained in a gun shop.

There being no further business, the meeting then adjourned. Adjournment.

Taken as read and approved,

ALDERMAN J. SMITH, CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE

Susan K. Reeder
Secretary
1990 May 2nd

FOR ACTION

2.

REPORT TO: The Planning and Development Committee

FROM: L.C. King, Building Commissioner

DATE: 11 June 1990
COMM. FILE:
DEPT. FILE:

SUBJECT:

Demolition

RECOMMENDATION:

That the Building Commissioner be authorized to issue demolition permits for the following properties: -

a. 116 Chesley Street
b. 252 Victoria Avenue North
c. 256 Victoria Avenue North

FINANCIAL IMPLICATIONS: N/A

BACKGROUND:

For background information see attached sheets.

BUILDING DEPARTMENT

DEMOLITION CONTROL

CATEGORY "A" - PROPOSED USE OF LAND IS PERMITTED BY PRESENT ZONING

DATE: 11 June 1990

ITEM	ADDRESS	PRESENT USE	PROPOSED USE	LOT SIZE	OWNER	ZONE	RECOMMENDATION
A.	116 Chesley St.	S.F.D.	S.F.D.	79' X 274'	Daniel Yung	"C"	It is recommended that Committee approve demolition.

L.C. King, P. Eng.,
Building Commissioner
DP/WKW

BUILDING DEPARTMENT

DEMOLITION CONTROL

CATEGORY "C" - NO IMMEDIATE REDEVELOPMENT IS PROPOSED

DATE: 13 June 1990

ITEM	ADDRESS	PRESENT USE	PROPOSED USE	LOT SIZE	OWNER	ZONE	RECOMMENDATION
B.	252 Victoria Avenue North	Two Family Dwelling	Commercial	33' X 156'	Mintland Dev. Inc.	"E"	It is recommended that Committee approve demolition.
C.	256 Victoria Avenue North	S.F.D.	Commerical	33' X 156'	Mintland Dev. Inc.	"E"	It is recommended that Committee approve demolition.

L.C. King, P. Eng.,
Building Commissioner
DP/WKW

FOR ACTION

3.

REPORT TO: Mrs. S. Reeder, Secretary
Planning & Development Committee

FROM: Mr. E. W. Kowalski, Director
Community Development Department

DATE: 1990 June 12
DEPT FILE: FACADE 74

SUBJECT: Commercial Facade Loan Programme - 207-209 King Street East, Hamilton

JUN 1 2 1990

RECOMMENDATION:

That a repayable loan under the Commercial Facade Loan Programme, in the amount of thirty-eight thousand, three hundred and one dollars ($38,301.) be approved for 207-209 King Street East, Moo Ung Kim. The interest rate will be 7 3/8 percent, amortized over 10 years.

E. W. Kowalski

FINANCIAL IMPLICATIONS (N/A):

N/A

BACKGROUND:

The owner of 207-209 King Steet East has applied for assistance under the City of Hamilton's Commercial Facade Loan Programme. As per the terms of the Programme, the Building Department has inspected the property under the Property Standards By-law 74-74, and the necessary repairs have been included in the cost of repairs.

Approval from the International Village Business Improvement Area was not required as all work to be undertaken is Property Standards work.

The Department of Community Development therefore recommends the approval of a Commercial Facade Loan to Moo Ung Kim for improvements to 207-209 King Street East in the amount of $38,301. The loan will be amortized over a 10 year period at 7 3/8 percent interest. The monthly payments will be $452.20 and will be secured by a Promissory Note and a lien registered on title.

c.c. R. Camani, Treasury Department

4a.

FOR ACTION

REPORT TO: Mrs. S. Reeder, Secretary
Planning & Development Committee

FROM: Mr. E. W. Kowalski, Director
Community Development Department

DATE: 1990 May 18
DEPT FILE: HERITAGE 62

SUBJECT: City of Hamilton Heritage Programme -
112 Aberdeen Avenue, Hamilton

RECOMMENDATION:

That a repayable loan under the Community Heritage Trust Fund in the amount of two thousand, nine hundred and eighty-five ($2,985.) be approved for Mrs. Keltie Law, 112 Aberdeen Avenue, Hamilton. The interest rate will be six percent, amortized over 10 years; and,

That a Designated Property Grant in the amount of two thousand, nine hundred and eighty-five dollars ($2,985.) be provided to Mrs. Keltie, 112 Aberdeen Avenue, Hamilton.

E. Kowalski

FINANCIAL IMPLICATIONS (N/A):

N/A

BACKGROUND:

The Planning and Development Committee in a report dated 1982 December 6, approved the Department of Community Development's participation in the Provincial Government's Designated Property Grant Programme. The City's Finance Committee also established a clearing amount of $10,000. for the purpose of implementing the Programme.

The terms of the Programme provide the owners of heritage properties with a grant of up to $3,000., or 50% of the cost, whichever is less, for the replacement of the heritage features. The Community Heritage Programme provides loans of up to $20,000. at 6% interest, amortized over 10 years. The property receiving funds under the Programme must be designated by Council as a heritage property, and this was done by Council 1989 October 10. The owner of the property has applied under the terms of the above Programmes to undertake restoration work to be completed by Thor Restoration and Calleja Roofing in the amount of five thousand, nine hundred and seventy dollars ($5,970.).

As per the terms of the Programme, the Local Architectural Conservation Advisory Committee (L.A.C.A.C.), has reviewed the work to be undertaken, as well as the estimates, and are recommending the acceptance of Thor Restorations and Calleja Roofing's estimates.

The Department of Community Development, therefore, recommends that a Designated Property Grant be awarded in the amount of $2,985., and a Community Trust Fund loan in the amount of $2,985. at 6 percent interest be approved. The monthly payments will be $33.14 amortized over 10 years.

c.c. R. Camani, Treasury Department

46.

FOR ACTION

REPORT TO: Mrs. S. Reeder, Secretary
Planning & Development Committee

FROM: Mr. E. W. Kowalski, Director
Community Development Department

DATE: 1990 May 24
DEPT FILE: HERITAGE 52

SUBJECT: City of Hamilton Heritage Programme -
51 Stuart Street, Hamilton (Custom House)

RECOMMENDATION:

That a repayable loan under the Community Heritage Trust Fund in the amount of fifty thousand dollars ($50,000.) be approved for Mr. D. Warrener, The Custom House, 51 Stuart Street, Hamilton. The interest rate will be six percent, amortized over 10 years; and,

That a Designated Property Grant in the amount of three thousand dollars ($3,000.) be provided to Mr. D. Warrener at The Custom House, 51 Stuart Street, Hamilton.

E. Kowalski

FINANCIAL IMPLICATIONS (N/A):

N/A

BACKGROUND:

The Department of Community Development has been approached by Mr. D. Warrener, owner of the Custom House, for assistance under the Community Heritage Trust Fund Programme. The Programme, when first designed, limited the grants to a maximum of $20,000., but it was noted that in special cases based on extraordinary Heritage merit, this ceiling would be flexible. The Department of Community Development and L.A.C.A.C. both agree that the Custom House falls into this category.

It should be noted that in January of 1988, the Planning and Development Committee and City Council provided a Community Heritage Trust Fund loan in the amount of $50,000. to Mr. Warrener for restoration of the windows. Since that time, Mr. Warrener has repaid the $50,000. and is now asking that the City finance the interior restoration as well as the stone repair and gate post. The total cost of this work is $112,903. The balance of the cost, $59,903., will be financed by Mr. Warrener and the City's contribution will be the last advance.

The cost of the work, as well as its eligibility, have been approved by the City's Building Department and L.A.C.A.C. The Department of Community Development, therefore, recommends that a Designated Property Grant be awarded in the amount of $3,000., and a Community Trust Fund loan in the amount of $50,000. at 6 percent interest be approved. The monthly payments will be $555.10 amortized over 10 years.

c.c. R. Camani, Treasury Department

FOR ACTION

4C.

REPORT TO: Mrs. S. Reeder, Secretary
Planning & Development Committee

FROM: Mr. E. W. Kowalski, Director
Community Development Department

DATE: 1990 June 13
DEPT FILE: HERITAGE 66

SUBJECT: City of Hamilton Heritage Programme -
98 James Street South, Hamilton

JUN 13 1990

RECOMMENDATION:

That a repayable loan under the Community Heritage Trust Fund in the amount of fifty thousand dollars ($50,000.) be approved for James Street Baptist Church, 98 James Street South, Hamilton. The interest rate will be six percent, amortized over 10 years; and,

That a Designated Property Grant in the amount of three thousand ($3,000.) be provided to James Street Baptist Church, 98 James Street South, Hamilton.

E. W. Kowalski M.M.

FINANCIAL IMPLICATIONS (N/A):

N/A

BACKGROUND:

The Planning and Development Committee in a report dated 1982 December 6, approved the Department of Community Development's participation in the Provincial Government's Designated Property Grant Programme. The City's Finance Committee also established a clearing amount of $10,000. for the purpose of implementing the Programme. The Programme, when first designed, limited the grants to a maximum of $20,000., but it was noted that in special cases based on extraordinary Heritage merit, this ceiling would be flexible. The Department of Community Development and L.A.C.A.C. both agree that James Street Baptist Church falls into this category.

The terms of the Programme provide the owners of heritage properties with a grant of up to $3,000., or 50% of the cost, whichever is less, for the replacement of the heritage features. The property receiving funds under the Programme must be designated by Council as a heritage property, and this was done by Council 1990 January 30. The owner of the property has applied under the terms of the above Programmes to undertake restoration work to be completed as per the specifications by T. Garwood-Jones in the amount of fifty seven thousand, two hundred and seventy dollars ($57,270.). Of this amount the Church is providing a cash equity of $4,270.

As per the terms of the Programme, the Local Architectural Conservation Advisory Committee (L.A.C.A.C.), has reviewed the work to be undertaken, as well as the estimates, and are recommending the acceptance of T. Garwood-Jones's estimates.

The Provincial Programme requires that if a municipality provides a loan or grant in excess of $15,000. that a Heritage Easement is required. The Agreement will be prepared by L.A.C.A.C. and the Legal Department, and sent to Committee and City Council for approval. The Department of Community Development's recommendation can be approved, but funds cannot be issued until the Heritage Easement Agreement has been registered on title.

The Department of Community Development, therefore, recommends that a Designated Property Grant be awarded in the amount of $3,000., and a Community Trust Fund loan in the amount of $50,000. at 6 percent interest be approved. The monthly payments will be $555.10 amortized over 10 years.

c.c. R. Camani, Treasury Department

4d.

FOR ACTION

REPORT TO: Mrs. S. Reeder, Secretary
Planning & Development Committee

FROM: Mr. E. W. Kowalski, Director
Community Development Department

DATE: 1990 June 12
DEPT FILE: HERITAGE 69

SUBJECT: City of Hamilton Heritage Programme - 27 Bold Street, Hamilton

JUN 1 2 1990

RECOMMENDATION:

That a repayable loan under the Community Heritage Trust Fund in the amount of fifteen thousand dollars ($15,000.) be approved for Mrs. Roshan Dharsee, 27 Bold Street, Hamilton. The interest rate will be six percent, amortized over 10 years; and,

That a Designated Property Grant in the amount of three thousand ($3,000.) be provided to Mrs. Roshan Dharsee, 27 Bold Street, Hamilton.

E. W. Kowalski 12 pm

FINANCIAL IMPLICATIONS (N/A):

N/A

BACKGROUND:

The Planning and Development Committee in a report dated 1982 December 6, approved the Department of Community Development's participation in the Provincial Government's Designated Property Grant Programme. The City's Finance Committee also established a clearing amount of $10,000. for the purpose of implementing the Programme.

The terms of the Programme provide the owners of heritage properties with a grant of up to $3,000., or 50% of the cost, whichever is less, for the replacement of the heritage features. The Community Heritage Programme provides loans of up to $20,000. at 6% interest, amortized over 10 years. The property receiving funds under the Programme must be designated by Council as a heritage property, and this was done by Council 1986 May 13. The owner of the property has applied under the terms of the above Programmes to undertake restoration work to be completed by Sondad Painting in the amount of ninteen thousand, one hundred and seventy dollars ($19,170.). Of this amount Mrs. Dharsee is providing a cash equity of $1,170.

As per the terms of the Programme, the Local Architectural Conservation Advisory Committee (L.A.C.A.C.), has reviewed the work to be undertaken, as well as the estimates, and are recommending the acceptance of Sondad Painting's estimates.

The Department of Community Development, therefore, recommends that a Designated Property Grant be awarded in the amount of $3,000., and a Community Trust Fund loan in the amount of $15,000. at 6 percent interest be approved. The monthly payments will be $166.53 amortized over 10 years.

c.c. R. Camani, Treasury Department

4e.

FOR ACTION

REPORT TO: Mrs. S. Reeder, Secretary
Planning & Development Committee

FROM: Mr. E. W. Kowalski, Director
Community Development Department

DATE: 1990 June 12
DEPT FILE: HERITAGE 59

SUBJECT: City of Hamilton Heritage Programme -
64 James Street South, Hamilton

JUN 1 2 199

RECOMMENDATION:

That a repayable loan under the Community Heritage Trust Fund in the amount of fifty thousand dollars ($50,000.) be approved for St. Paul's Church, 64 James Street South, Hamilton. The interest rate will be six percent, amortized over 10 years; and,

That a Designated Property Grant in the amount of three thousand ($3,000.) be provided to St. Paul's Church, 64 James Street South, Hamilton.

E W Kowalski jun H.

FINANCIAL IMPLICATIONS (N/A):

N/A

BACKGROUND:

The Planning and Development Committee in a report dated 1982 December 6, approved the Department of Community Development's participation in the Provincial Government's Designated Property Grant Programme. The City's Finance Committee also established a clearing amount of $10,000. for the purpose of implementing the Programme. The Programme, when first designed, limited the grants to a maximum of $20,000., but it was noted that in special cases based on extraordinary Heritage merit, this ceiling would be flexible. The Department of Community Development and L.A.C.A.C. both agree that St. Paul's Church falls into this category.

The terms of the Programme provide the owners of heritage properties with a grant of up to $3,000., or 50% of the cost, whichever is less, for the replacement of the heritage features. The property receiving funds under the Programme must be designated by Council as a heritage property, and this was done by Council 1986 October 01. The owner of the property has applied under the terms of the above Programmes to undertake restoration work to be completed by Belair Restoration in the amount of two hundred and twenty-one thousand, nine hundred and forty-four dollars ($221,944.). Of this amount the Church is providing a cash equity of $168,944.

As per the terms of the Programme, the Local Architectural Conservation Advisory Committee (L.A.C.A.C.), has reviewed the work to be undertaken, as well as the estimates, and are recommending the acceptance of Belair Restoration's estimates.

The Department of Community Development, therefore, recommends that a Designated Property Grant be awarded in the amount of $3,000., and a Community Trust Fund loan in the amount of $50,000. at 6 percent interest be approved. The monthly payments will be $555.10 amortized over 10 years.

c.c. R. Camani, Treasury Department

FOR ACTION

5.

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: Mr. T. Bradley
Manager of Purchasing

DATE: 1990 June 14
COMM FILE:
DEPT FILE: C8-4-90

SUBJECT: SUPPLY AND SUPERVISE INSTALLATION OF DECORATIVE STREET CLOCK, WESTDALE VILLAGE B.I.A. COMMERCIAL IMPROVEMENT PROGRAM

RECOMMENDATION:
That a purchase order be issued to National Time Equipment Co. Ltd., Toronto, in the amount of $16 500 to supply and supervise the installation of a Decorative Street Clock, Westdale Village B.I.A. (southeast corner of King and Paisley Streets), Commercial Improvement Program, in accordance with specifications issued by the Manager of Purchasing and Vendor's proposal.

NOTE: Lowest acceptable of four (4) proposals received. Funds provided in Commercial Improvement Programme Account #CF5200 428705002.

T. Bradley, Manager of Purchasing

FINANCIAL IMPLICATIONS: *(IF NONE, STATE N/A)*

BACKGROUND: Proposal Analysis

International Time Recorder Company Limited, Toronto	$ 5 645.00 *
National Time Equipment Co. Ltd., Toronto	16 500.00
Trystan, Div. of Date Industries, Brantford	18 740.16
The Verdin Company, Ohio	20 580.00

* Unit bid does not meet proposal criteria

This proposal was advertised and nine suppliers requested to bid. One declined and four did not respond.

FOR INFORMATION

6.

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. K. E. Avery, City Clerk
City Clerk's Department

DATE: 1990 June 14
COMM FILE:
DEPT FILE:

SUBJECT: **Proposed Consent Agenda Format**

BACKGROUND:

As a result of a request of the Planning and Development Committee at its last meeting, the following report is herewith submitted respecting a Consent Agenda Format.

As members of the Committee are aware, the Finance and Administration Committee has utilized the Consent Agenda Format since its inception, and it has proven quite successful. The purpose of a Consent Agenda is to consolidate items of a routine nature. The Committee reviews this Agenda as its first Order of Business and if the matters contained within do not require further clarification, a motion to adopt the whole Agenda is placed on the floor, seconded and carried. Thus, routine matters that would normally have required several motions, can be processed quickly.

Where items contained on a Consent Agenda require clarification or question, any member of the Committee can request that the matter be taken off the Consent Agenda and placed on the regular Agenda for discussion at the allocated order in that Agenda.

In consultation with the appropriate staff who report to the Planning and Development Committee, a Consent Agenda for the Committee could consist of the following:

(a) Minutes
(b) Housing Loan Programme Applications
(c) Purchases within budget allocations
(d) Acceptance of Cash-in-lieu of Parkland Dedication funds
(e) Proposed Draft Plans of Condominiums.

Trusting that the above information is of assistance to the Committee.



7.

FOR ACTION

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: C. J. Coutts, Secretary
Local Architectural Conservation
Advisory Committee

DATE: 1990 June 1

COMM FILE:

DEPT FILE:

SUBJECT: **172-176 LOCKE STREET SOUTH - DESIGNATION RECOMMENDATION**

JUN 1 1990

RECOMMENDATION:

a) That City Council give approval to the "Intent to Designate" the Twentieth Century Club building at 172-176 Locke Street South as a property of historical and architectural value, pursuant to the provisions of the Ontario Heritage Act, 1983, and,

b) That the City Solicitor be authorized as directed to take appropriate action to have this property designated pursuant to the provisions of the Ontario Heritage Act, 1983.

FINANCIAL IMPLICATIONS: *(IF NONE, STATE N/A)*

N/A

BACKGROUND:

LACAC gave preliminary approval to the designation of this building following the receipt of a letter of request for designation from the property owner (attached).

Map, planning background, Reasons for Designation and photographs attached.

cc Mr. A. Georgieff, Director of Local Planning
Mrs. N. Chapple, Planning Department
Mrs. P. Noe-Johnson, City Solicitor

Heinz Ollesch
176 1/2 Locke St. S.
Hamilton, Ont.
L8P-4A9
(416) 523-6665

March/28/90

Dear Ms. D. Dent; Chairman of LACAC

I Heinz Ollesch would like to apply for Historical Designation of my building located at 174-176 Locke St. S. in the City of Hamilton. All correspondence can be through the above address and copy,s please sent to my building consultant Mr.James Rebor of 508 Ferguson St. N. Hamilton, L8L-4Z6. Hoping to hear from you in the near future.

Sincerely yours

Heinz Ollesch

PLANNING INFORMATION

172-176 Locke Street South

DATE: May 1990.

HERITAGE STATUS: Listed on Inventory and recommended by LACAC for designation under the Ontario Heritage Act.

NEIGHBOURHOOD: **Kirkendall North**

ZONING: **"H" District** (Community Shopping and Commercial, etc.)

Maximum permitted building height: 4 storeys or 8 storeys where side yards of not less than 3.0 metres are provided.

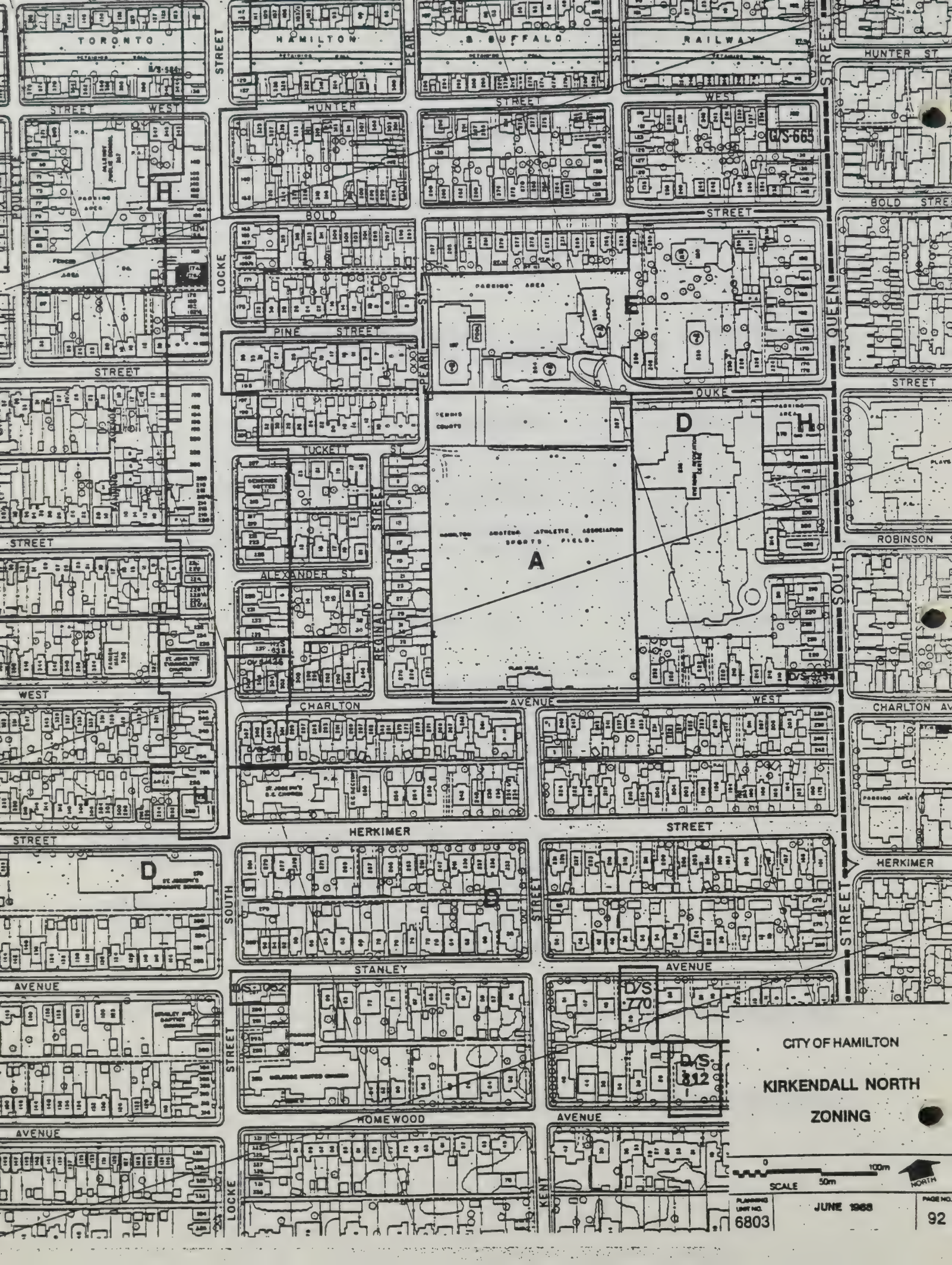
SITE PLAN CONTROL: Not under site plan control.

OFFICIAL PLAN POLICIES: Designated **"Commercial"** in the Official Plan (Schedule "A" - Land Use Concept).
Primary uses permitted: commerce, defined as the buying and selling of goods and services; business offices and hotels, convention and entertainment facilities; residential uses and institutional uses.

Policy C.6.6 encourages commercial development schemes, in appropriate locations, which would incorporate a building or group of buildings with HISTORIC character or ARCHITECTURAL value and proposals which utilize buildings or lands serving obsolete functions and which are, therefore, underutilized or vacant.

NEIGHBOURHOOD PLAN POLICIES: Designated **"Commercial"** in the approved neighbourhood plan.

DEMOLITION CONTROL: Not under demolition control.



CITY OF HAMILTON

KIRKENDALL NORTH

ZONING

SCALE 0 50m 100m

NORTH

PLANNING UNIT NO. 6803

JUNE 1968

PAGE NO. 92

REASONS FOR DESIGNATION

TWENTIETH CENTURY CLUB BUILDING

172-176 Locke Street South

Context

Built in 1905-6 to serve primarily as the headquarters of the Twentieth Century Club, this distinctive two-storey brick building now forms part of a row of low-rise commercial buildings on the west side of Locke Street South between the railway bridge at Hunter Street and Herkimer Street. One of the earliest retail districts outside the downtown area, Locke Street South evolved after the turn-of-the-century into a thriving and largely self-contained shopping area for the surrounding residential neighbourhood, then the city's west end. It also became a focus of social activity, with several churches, a movie theatre (the Regent), a billiard hall and the Twentieth Century Club.

Historical Importance

Founded in 1901 as a combined political, social and recreational club for young male members of the Conservative Party. the Twentieth Century Club was reputedly the first of its kind in Hamilton. The club was located in temporary quarters on Locke Street South before erecting a permanent facility on land purchased in 1905. Owned by the Twentieth Century Club until 1947, the building at 172-176 Locke Street South continued to house the club for two more years, when it appears to have closed. In the course of its half century history, this successful club counted among its members such prominent citizens as Charles H. Peebles, clerk of the division court, who was one of its organizers and secretary-treasurer for twenty-two years, and Henry New, head of the Hamilton Pressed Brick Co., and one of the club's first presidents.

The club's assembly hall was located on the second floor of the building, with the ground floor being divided into a front section comprising two stores and a rear section, which was originally part of the club facility but was later converted to two apartments. Of the various types of businesses accomodated over the years, two are noteworthy for their longevity: the fruit market at #174 from 1918 to the late sixties and the drug store at #176 from 1907 to the late fifties.

Architectural Importance

Designed by F.J. Rastrick & Sons, the Twentieth Century Club is one of few known surviving buildings designed by the two sons of the noted Hamilton architect, Frederick J. Rastrick: Edward Llewellyn and Francis Reginald, who were in partnership together from 1898 until 1931. Characteristic in style of the smaller scale late Victorian commercial blocks erected in the city during the early 1900s, the Twentieth Century Club building is one of the best examples on Locke Street South. Of particular interest is the design of the three-bay upper facade, articulated by brick pilasters terminating in paired brackets which support an ornamental bracketed cornice. Above is a brick parapet and arched pediment displaying the club name and date of construction, which used to be

crowned by six sheet metal finials and other ornaments. Also noteworthy is the window treatment: a tall central window set into a round-arched stone frame, which is flanked by slightly bowed tripartite windows with stone frames. Apart from the recent loss of the sheet-metal ornamentation and the modernization of the club entrance, the original facade has been preserved largely intact, with only minor alterations to the two store fronts.

Designated Features

Important to the preservation of 172-176 Locke Street South are the original features of the main (east) and south facades, including the original windows, the stone trim, the sheet-metal cornice and the brick parapet.



TWENTIETH CENTURY CLUB BUILDING

172-176 Locke Street South

May 1990





LOCKE STREET SOUTH

May 1990



View of west side of street showing the Twentieth Century Club building and a similar commercial block at 180-182 Locke Street South.



180-182 Locke Street South

FOR ACTION

8.

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: C. J. Coutts, Secretary
Local Architectural Conservation
Advisory Committee

DATE: 1990 June 1

COMM FILE:
DEPT FILE:
JUN 1 1990

SUBJECT: **HERITAGE EASEMENT AGREEMENT - JAMES STREET BAPTIST CHURCH**

RECOMMENDATION:

a) That approval be given by by-law for the City to enter into a Heritage Easement Agreement with the James Street Baptist Church under Part IV, Section 37 of the Ontario Heritage Act; and

b) That the City Solicitor be authorized and directed to take appropriate action to have this Heritage Easement implemented, pursuant to the provisions of the Ontario Heritage Act, 1983.

FINANCIAL IMPLICATIONS: *(IF NONE, STATE N/A)*

N/A

BACKGROUND:

The Local Architectural Conservation Advisory Committee at its meeting held 1990 May 28 gave preliminary approval to this request.

Heritage Funding of a $3,000 Designated Property Grant and a $50,000 Community Heritage Loan has been approved by City Council at its meeting held 1990 May 8 for restoration of the James Street Baptist Church.

A prerequisite for a Community Heritage Loan of $15,000 or more requires that the City enter into a Heritage Easement Agreement with the property owner.

A Heritage Easement Agreement is a legal document registered on title which ensures that the designated building will not be demolished.

c.c. Mr. A. Georgieff, Director of Local Planning
Mrs. P. Noe-Johnson, City Solicitor
Mrs. N. Chapple, Planning Department

9a

May 29, 1990.

Mrs. Diane Dent, LACAC Chairman,
c/o Planning Dept.
7th Floor, City Hall
Hamilton, Ontario.
L8N 3T4

RE: Tivoli Theatre

Dear Mrs. Dent:

As owner of the Tivoli Theatre, I would like to request that the theatre be designated under the Ontario Heritage Act as a building of Architectural and Historical significance. This designation would include both the front exterior facade and the interior lobby and auditorium.

Sincerely,

Sam Sniderman

220-001

Corporation of the City of Hamilton

Memorandum

****

TO: Ms. C. J. Coutts, Secretary
Local Architectural Conservation
Advisory Committee

YOUR FILE:

FROM: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

OUR FILE:
PHONE:

SUBJECT: **Designation of Tivoli Theatre - 108-112 James Street North.**

DATE: 1989 August 24

As you are aware the Planning and Development Committee at its meeting held Wednesday, 1989 August 16, were in receipt of a report from yourself dated 1989 August 2, respecting the Designation of Tivoli Theatre at 108-112 James Street North.

The Committee was also in receipt of a letter received from Mr. Morton M. Smith, Solicitor for the new owners of the building. Mr. Smith was also in attendance at the meeting and verbally requested that the L.A.C.A.C. Recommendation for Designation be tabled in order to give them an opportunity to meet with L.A.C.A.C.'S staff on this matter.

The Committee **AGREED** to this request.

I trust that confirmation of the Committee's action with respect to this matter is of assistance to you.

Susan K. Reeder.

SKR:dbm
c.c. - Mr. V. Abraham, Director of Local Planning
Attention: Mrs. N. Chapple

c.c. - Mr. P. Hooker, Acting City Solicitor
Attention: Ms. J. Seki

Rosenberg Smith Paton Hyman
Barristers & Solicitors

Henry B. Rosenberg, Q.C., PhD. (1928-1976)
Morton M. Smith, Q.C.
Saul D. Paton
Gerald D. Hyman, Q.C.
B. Baruch Sookman, (ABA/net: 2552)
Wendy A. O'Neill
Lawrence M. Weinberg
S. Harvey Starkman, Q.C.
Counsel

Suite 1800
120 Adelaide St. West
Toronto, Canada
M5H 1S8
(416) 863-1900
TDX 129

FACSIMILE TRANSMITTAL

DATE: August 14, 1989

TO: The Regional Municipality of Hamilton-Wentworth,
Planning & Development Department
Attn: Alderman John Smith

FAX #: 1 526-2673

FROM: MORTON M. SMITH, Q.C.

REFERENCE: 108-112 James Street North, Hamilton

FILE NO.: 26984

NUMBER OF PAGES SENT (INCLUDING THIS PAGE): 1

We are sending this communication as solicitors for the owner of the above-noted premises and also as authorized representative for Famous Players Inc. who own the theatre auditorium at the rear of the above-noted premises.

Our client, Sniderman Radio Sales and Service Limited, recently completed its purchase of the premises, municipally known as [redacted], and we request, on their behalf, that the Planning & Development Committee [redacted] When our client p[redacted] property it was tenant occupied and it was anticipated that the tenancies would continue. Our client is most impressed with the facade of the building and at the moment does not have any plans to alter the facade. The disposition of the marquee would depend on the actual user of the property.

I propose to attend before the Committee on Wednesday, August 16, 1989 and would appreciate your advising what time would be convenient for you.

9b.

FOR ACTION

REPORT TO: Mrs. S.K. Reeder, Secretary
Planning & Development Committee

FROM: C.J. Coutts, Secretary
Local Architectural Conservation
Advisory Committee

DATE: 1989 August 2
COMM FILE:
DEPT FILE:

SUBJECT: **Designation of Tivoli Theatre**
108-112 James Street North

RECOMMENDATION:

(a) That approval be given to the "Intent to Designate" 108-112 James Street North as a property of historical and architectural value, pursuant to the provisions of the Ontario Heritage Act, 1983.

(b) That the City Solicitor be authorized and directed to take appropriate action to have this property designated pursuant to the provisions of the Ontario Heritage Act, 1983.

C.J. Coutts, Secretary
Local Architectural
Conservation Advisory
Committee

FINANCIAL IMPLICATIONS: *(IF NONE, STATE N/A)*

N/A

BACKGROUND:

The Local Architectural Conservation Advisory Committee at its meeting held 1989 March 31 gave preliminary approval to the designation of the Tivoli Theatre building.

Mrs. S.K. Reeder, Secretary
Planning & Development Committee

Re: Designation of Tivoli Theatre ... 2

Letters and information packages have been sent to the new owner of the front section of the building and to the Director of Property Management for Famous Players Inc., owner of the rear wing housing the theatre auditorium.

Reasons for Designation, photographs, map and planning information are attached.

CJC/jc

attach.

REASONS FOR DESIGNATION

Tivoli Theatre, 108 -112 James Street North

Built in 1875 as a carriage factory for J.P. Pronguey, the building at 108-112 James Street North has served primarily as a theatre since 1908. In 1924, the building was substantially enlarged by an auditorium added to the rear to accomodate the Tivoli Theatre, the name by which the building has since been known.

Context

With its architecturally impressive facade, dominant corner tower, and high visibility, the Tivoli Theatre is a major contributing component of the James North heritage streetscape. It also provides a dramatic visual terminus to the block extending from Cannon to Wilson Street. The adjacent site at the north-east corner of James and Wilson was, for many years, occupied by the Grand Opera House and Hotel, erected in 1880 and demolished respectively in 1960 and 1986.

Historical Significance

In the course of its history, the building at 108-112 James Street North has served many different uses: a carriage works (until 1901), a bowling alley on the second floor (1908-64), various restaurants and retail businesses at street level; and of particular significance, a succession of theatres: the Wonderland (1908), the Colonial (1909-12), and the Princess (1913-23), all located in the space which became the lobby of the Tivoli Theatre, and finally, the Tivoli itself.

The Tivoli has an important place in Hamilton's theatre history. The Wonderland was reputedly the City's first film theatre while the Tivoli, a vaudeville theatre and motion picture house, was the first theatre to introduce sound movies in the late 1920s. Of the numerous theatres built in Hamilton during the early 20th century, the Tivoli counted among the seven largest and grandest, the most resplendent of which were the Capitol and the Palace. All but the Lyric (now the Century) and the Tivoli have been demolished; and of these two only the Tivoli Theatre has retained any part of its original interior decor.

Architectural Significance

Exterior

Clearly intended to make a bold statement of Pronguey's entrepreneurial ambitions, the original carriage factory was designed by Hamilton architect Albert H. Hills in the popular Second Empire style. Characteristic of this style are the steeply-pitched mansard roof with dormers, the bracketted cornices, and rich classical detailing. Noteworthy features of the Tivoli facade include the round-arched windows with two-over-two sash windows and ornate moulded surrounds, the gabled dormer windows, and the tall mansard-roofed tower. This convex-shaped tower displays narrow, paired

arched dormers surmounted by circular windows and a bracketted cornice, originally crowned by ornamental iron cresting.

The later Tivoli Theatre entrance originally featured an octagonal ticket office and an ornamental sign marquee, above which was a vertical "Tivoli" sign projecting at right angles to the street. Only the basic structure of the marquee, however, survived the major alterations made to the entrance in 1954.

Interior

The Tivoli Theatre was greatly admired for its sumptuously decorated "Italian Renaissance" interior, designed by Toronto architect B. Kingston Hall. While a significant proportion of the original decor was removed or covered in the course of renovations undertaken in 1943, 1947 and 1954 (when the most extensive remodelling occurred), the main architectural features of the auditorium are still largely intact. These include the proscenium, the ceiling with its elliptical design, the decorative cornice and frieze below, and along each side wall: a colonnade comprising five round arches sprung from coupled pilasters. The two arches on either side of the stage still contain the original bronze statues of Caesar Augustus and the goddess Minerva. At the base of each of the other eight arches are medallions depicting the four seasons.

Designated Features

Important to the preservation of the Tivoli Theatre are:

1. the original architectural features of the front (west) and side (south) facades, including the upper-storey arched windows, moulded surrounds, bracketted cornice, and slate-covered mansard roof with its dormers and corner tower.

2. the original architectural features of the lobby and auditorium, including the ceilings, proscenium, colonnades, statuary, and other decorative wall elements. Excluded from designation are the more recent additions, such as the floor covering, seating and stage curtain.

PLANNING INFORMATION

108 James Street North
Tivoli Theatre

CURRENT ZONING:

"H" (Community Shopping and Commercial) District
-maximum height - 8 stories/setback - 3.94 ft

PLANNING POLICIES:

Official Plan
-The subject properties are designated Central Policy Area on Schedule A
-Encouragement may be given to incorporate historically and architecturally valuable buildings within new development

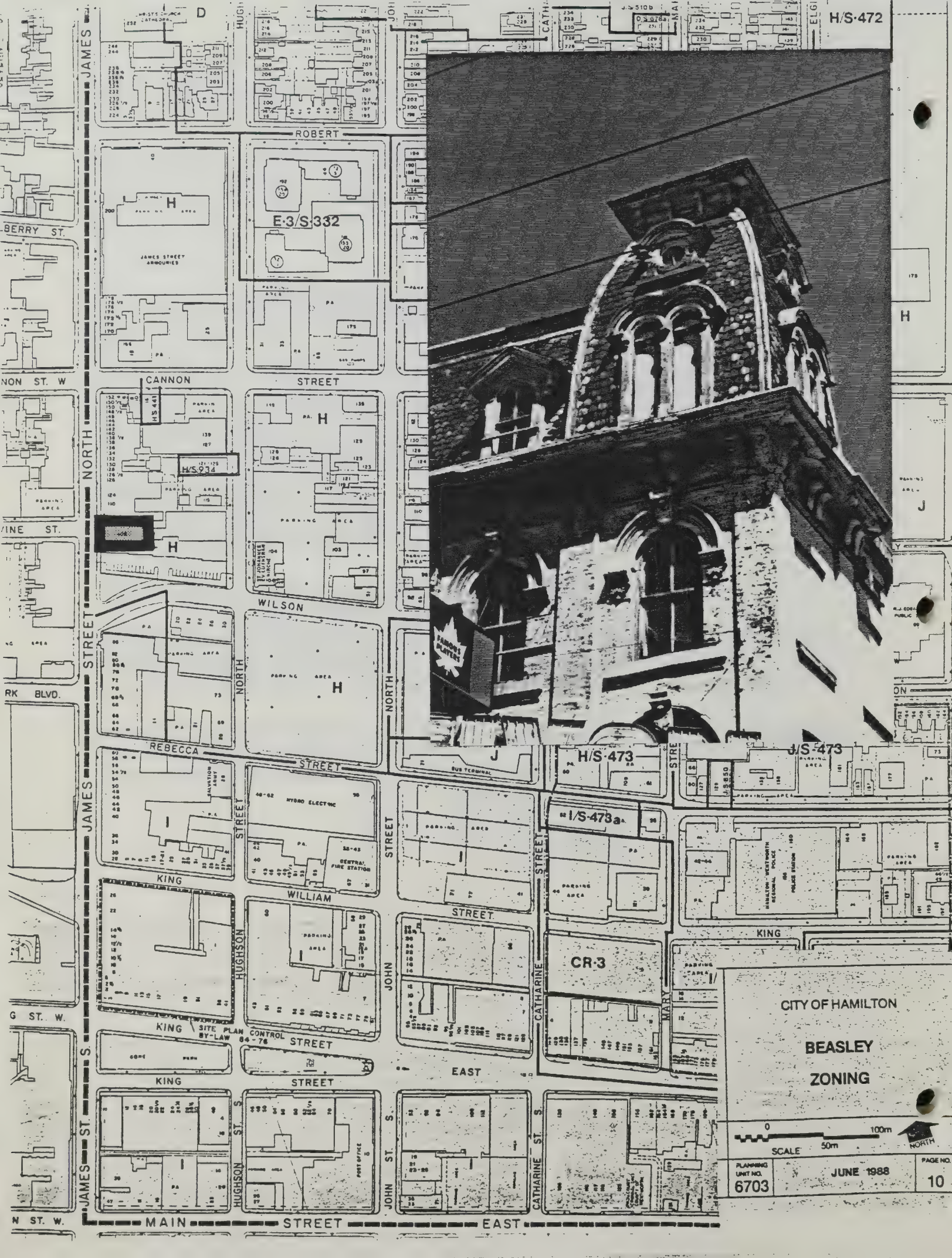
-In addition to the above, the subject properties are also located within Special Policy Area 3 on Schedule B - Special Policy Areas of the Official Plan. It is the intent of this Special Policy Area to promote and protect housing in close proximity to the downtown.

Neighbourhood Plan(s)
-Central Area Plan designates site as a "Commercial Centre" which encourages a variety of uses including a cinema
-The Beasley Neighbourhood Plan designates the property "Commercial and Apartments" - any re-use of the building should be encouraged to include a residential component as strongly supported in the draft new Central Area Plan

CURRENT STATUS:

as of July 1989

Heritage Designation - No
Listed Building - Yes
Site Plan Control - No
Demolition Control - No
Zoning Change - No


H/S-472
D
ROBERT
JAMES
NORTH
STREET
H
JAMES STREET ARMOURIES
E-3/S-332
CANNON
STREET
H/S-441
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HAMILTON-WENTWORTH REGIONAL POLICE
POLICE STATION
JOHN ST. S.
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CITY OF HAMILTON
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100m
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6703
JUNE 1988
PAGE NO.
10

Tivoli Theatre, 108 -112 James Street North

June 1990





Tivoli Theatre, 108 -112 James Street North

May 1988







Tivoli Theatre, 108 -112 James Street North

September 1930

Tivoli Theatre, 108 -112 James Street North

September 1930

THE HELM GROUP

JUN 1 2 1990

10b.

Monday, June 11, 1990

FAXED & COURIERED

Alderman John Smith
Chairperson, Planning and Development Committee
City Hall
Hamilton, Ontario

Dear Mr. Smith:

Re: 848 Main Street East, Hamilton

It has come to our attention today that the cash-in-lieu committee, for the first time in the City's history, has recommended a denial of our application for cash-in-lieu of parking. This application has been made for the renovation and expansion of the above-mentioned building.

It is absolutely vital to the viability of this project and the very existence of this company, that our application be approved. For that reason we are requesting to be allowed to bring a delegation of some 4 to 6 people to the Planning and Development committee's review of this issue. We will contact you again shortly to confirm that we can be accomodated at the committee's June 20th hearing.

Thank you in anticipation of your attention to this matter.

Yours truly,

Martin Humphries

Martin Humphries, President

MH/lc

c.c. Kevin Hope, Lamont Paquette

Helm Industries Inc.
252 James Street South, Suite 303
Hamilton, Ontario L8P 3B5
Fax (416) 577-0485
(416) 577-7790

Corporation of the City of Hamilton

Memorandum

****

TO: Mr. A. Georgieff
Director of Local Planning

YOUR FILE:

FROM: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

OUR FILE:
PHONE:

SUBJECT: **C.A.P.I.C. Report - Royal Commission on the Future of the Toronto Waterfront.**

DATE: 1990 June 1

As you are aware the Planning and Development Committee at its meeting held Wednesday, 1990 May 23 were in receipt of a report from the Chairperson of C.A.P.I.C. dated 1990 May 17, respecting the above-noted matter.

Numerous concerns were expressed by members of the Committee respecting this matter and it was agreed that this item **BE TABLED** until the next meeting of the Committee in order that representatives from C.A.P.I.C. be invited to attend the Committee meeting to speak on this issue.

Accordingly, would you please present this matter to C.A.P.I.C. in order that a determination can be made by them on the composition of a delegation to the next meeting of the Planning and Development Committee meeting to speak on this report. As you are aware, the next meeting of the Planning and Development Committee will be held on Wednesday, 1990 June 20.

Susan K. Reeder.

c.c. - Alderman J. Smith, Chairman
Planning & Development Committee

FOR ACTION

REPORT TO: Susan Reeder, Secretary
Planning and Development Committee

DATE: June 12, 1990
COMM FILE:
DEPT. FILE: P5-4-7-9

FROM: Charles Forsyth
Chairperson, CAPIC

SUBJECT:

Royal Commission on the Future of the Toronto Waterfront.

RECOMMENDATION

That the City of Hamilton request Regional Council to petition the Royal Commission on the Future of the Toronto Waterfront to extend their area of study to include the Hamilton-Wentworth Waterfront.

That Regional Council be requested to direct staff from the Regional Planning and Development Department to attend public hearings and other meetings, as necessary, and report back on matters relevant to the Region and City.

Charles H. Forsyth
Chairman
Central Area Plan Implementation Committee

BACKGROUND

The Commission is at the halfway stage through its mandate of inquiring into and making recommendations on the future of the Toronto Waterfront. Specifically, the mandate addresses public access, environmental quality, land use, urban design, transportation, employment, and financing proposals. The Commission's activities began in March, 1988, and are due to be completed in 1991.

In October 1989, the Province of Ontario joined with the Federal Government in supporting the Commission's mandate.

The area covered by the Commission is from Durham Region to Halton Region. At present, half the Hamilton Harbour, on the Burlington side, is under consideration by the Commission. The Hamilton side is not within the Commission's area of study.

The Commission's mandate, interim recommendations, and publications are included as an appendix to this report. As an example, two of the interim recommendations which may be relevant to the Hamilton waterfront are as follows:

> The Royal Commission recommends that waterfront development for housing, commercial, industry or other uses not be permitted to establish visual or physical barriers to the water; therefore, high-rise development should not be permitted on the waterfront.
>
> The Royal Commission recommends that any proposals for lakefilling be evaluated in terms of their potential impact on public access and enjoyment of the waterfront, so that existing resources are not destroyed.

After consideration at the May 11th meeting, CAPIC felt that public involvement on behalf of the Region and the City was required.

There are various ways in which the Region of Hamilton-Wentworth and the City of Hamilton can have input into the Commission. These include attending public hearings, making submissions to public hearings, and meetings with the Royal Commission staff.

NOTE: The Planning and Development Department supports the recommendations.

RA:cs/dkp
Attach.

CAPICREP

Mandate of the Royal Commission on the Future of the Toronto Waterfront

1. to inquire into and recommend initiatives to preserve and create continuous public access to the water's edge extending from the eastern boundary of the Region of Durham to the western boundary of the Region of Halton;

2. to inquire into and make an environmental evaluation of those Toronto Harbour Commission lands and adjacent Provincial lands recommended to be pooled in the aforesaid Interim Report;

3. to inquire into and make recommendations on issues associated with management and development and development of the pooled and other appropriate waterfront lands, including:

   (a) appropriate allocation of waterfront lands to various uses, i.e. housing, open space, industrial and commercial uses;

   (b) waterfront transportation in the context of the regional transportation system;

   (c) housing and community development on the waterfront; and

   (d) employment and job opportunities relating to the waterfront;

4. to inquire into and recommend waterfront related initiatives to preserve and enhance the quality of the environment and the quality of life for people residing in the greater metropolitan area extending from the eastern boundary of the Region of Durham to the western boundary of the Region of Halton;

5. to inquire into and recommend financing proposals and other mechanisms to link and integrate the waterfront to the upstream watersheds in the aforementioned locations.

Selected Recommendations from the Royal Commission on the Future of the Toronto Waterfront Interim Report, August 1989

A moratorium on all new lakefilling should be declared until a comprehensive policy is developed, based on the Ministry of the Environment's current review of methods, quality controls to be applied in all lakefilling projects, and development of its sediment quality guidelines. In recommending a moratorium, the Commission recognizes that some exemptions may be necessary for extraordinary projects; these should be determined by an exemption process that would be established jointly by the provincial MOE and Environment Canada, and should be based on public consultation and review.

Once the moratorium has been lifted, all individual lakefilling projects, including private–sector developments, should be subject to thorough environmental appraisals. Such reviews could take place under Ontario's *Environmental Assessment Act*, a revised federal Environmental Assessment and Review Process (EARP), or the *Planning Act*, if the latter is strengthened to address environmental concerns thoroughly. (See recommendations dealing with the *Planning Act* and the *Environmental Assessment Act*.)

The Royal Commission recommends that areas of public open space along the waterfront should be generous enough in width, and accompanied by sufficient water's–edge setbacks, to ensure meaningful public use. Standards for the minimum width of public spaces should be established and linked to building setbacks; narrower bands should nonetheless be wide enough to be used in their own right for such activities as walking and cycling, as well as providing links with larger, nodal open areas.

The Royal Commission recommends that waterfront development for housing, commercial, industry or other uses not be permitted to establish visual or physical barriers to the water; therefore, high–rise development should not be permitted on the waterfront.

The Royal Commission recommends that any proposals for lakefilling be evaluated in terms of their potential impact on public access and enjoyment of the waterfront, so that existing resources are not destroyed.

The Royal Commission recommends that all those agencies and organizations with responsibility in the matter work to establish an appropriate balance between regional and local interests.

Public transit to waterfront facilities should be improved, in part by strengthening existing north–south and east–west systems, and by creating new ones. By offering better access to the waterfront for those without cars, or encouraging those with cars to leave them at home, enhanced public transit will contribute to a cleaner, healthier environment on the waterfront and in Toronto generally.

The feasibility of having water taxis and ferry services to link different parts of the waterfront should be explored.

The Royal Commission recommends that more attention be paid to the needs and safety of frequently ignored groups, including the disabled, older people, women, and children. There must be accessible public transit, pathways, washrooms, fishing piers, etc. Safety can be improved through lighting, patrols (mounted police are particularly appropriate in parkland settings), and site design. Landscaping must appeal to the senses of hearing, smell, and touch, as well as to vision, in order to create a richer environment for all people and to appeal especially to the elderly, the disabled, and children.

The water's edge along the Toronto waterfront should be in the public domain. In order to achieve that goal, transfer of waterfront land to public ownership should be a non–negotiable feature of all future development on the waterfront.

(a) Public authorities should mount aggressive programs of waterfront acquisition.

(b) Municipalities should consider zoning properties adjacent to the water as open space, regardless of current use, in order to shape a public waterfront for the future.

(c) When a property comes up for sale, the municipality or the MTRCA should be prepared to buy it, at current market value for its existing use.

(d) There should be no further sale of lands on the waterfront currently held in public ownership (federal, provincial or municipal).

Publications by the Royal Commission on the Future of the Toronto Waterfront

1. *Environment and Health: Issues on the Toronto Waterfront*

2. *Housing and Neighbourhoods: The Liveable Waterfront*

3. *Access and Movement*

4. *Parks, Pleasures, and Public Amenities*

5. *Jobs, Opportunities, and Economic Growth*

6. *Persistence and Change: Waterfront Isses and the Board of Toronto Harbour Commissioners*

7. *The Future of the Toronto Island Airport*

8. *A Green Strategy for the Greater Toronto Waterfront: Background and Issues*

9. *Waterfront Transportation in the Context of Regional Transportation: Background and Issues*

10. *Environment in Transition*

Interim Report August 1989

Corporation of the City of Hamilto

12.

Memorandum

****

TO: Mr. A. Georgieff
Director of Local Planning

YOUR FILE:

FROM: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

OUR FILE:
PHONE:

SUBJECT: **Land Use Review - Upper James Street (West Side, Wembley to South Bend Roads).**

DATE: 1990 June 1

As you are aware the Planning and Development Committee at its meeting held Wednesday, 1990 May 23 were in receipt of a report from the Commissioner of Planning and Development dated 1990 April 18, respecting the above-noted matter.

Since the Committee meeting was very lengthy in time as a result of numerous delegations and considerable volume of agenda items, Alderman Ross the Ward Alderman for the area requested that this matter be tabled to the June meeting of the Committee for discussion.

Accordingly, this matter has been **TABLED** to the June 20th meeting of the Planning and Development Committee and I will place this report back on that agenda.

Trusting that confirmation of this is of assistance to you.

Susan K. Reeder.

c.c. - Alderman J. Smith, Chairman
Planning & Development Committee
- Alderman D. Ross

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

DATE: APRIL 18, 1990
COMM FILE:
DEPT FILE: P5-9-39

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT:

Upper James Street (West Side, Wembley to South Bend Roads) Land Use Review.

RECOMMENDATIONS

That the Planning and Development Committee:

1. Approve Option 2 and the accompanying Development Guidelines, as identified in Appendix "A", Upper James Street (Wembley to South Bend Roads) Land Use Review, as the recommended Land Use Strategy for the area west of Upper James Street, between Wembley and South Bend Roads; and,

2. Authorize the Planning and Development Department to hold a Public Meeting (in accordance with Sections 17 and 34 of the Planning Act, as amended) to consider amendments to the Official Plan and Zoning By-law, as required for the implementation of the Land Use Strategy (Option 2).

for A. L. Georgieff, M.C.I.P.
Director of Local Planning

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

EXPLANATORY NOTE

The Upper James Street (Wembley to South Bend Roads) Land Use Review (attached as Appendix "A") was initiated by Council, as a result of proposals for commercial development along Upper James Street. As directed by the Planning and Development Committee, a public information meeting was held on February 21, 1990, to present the findings of the Upper James Street Land Use Review and to solicit public input. Subsequently, the proposed Land Use Strategy and implementation approach have been refined and detailed.

BACKGROUND

The purpose of the Upper James Street Land Use Review was to formulate a strategy through guidelines and/or policies which would give direction to future land use considerations for the area west of Upper James Street, between Wembley and South Bend Roads. The Land Use Review identified four Land Use Options for the study area, ranging from the retention of the existing residential uses to complete redevelopment.

Option 2 was identified as the preferred land use option. This Land Use Strategy would permit the conversion of all, or part of, the existing structures fronting onto Upper James Street for commercial uses. The types of commercial uses permitted would be limited to personal services, offices, retail stores (jewellery, drug store, food, flowers, etc.) and some public uses (art gallery, library). In addition, retention of a residential component would be encouraged (i.e. - apartments above commercial uses), in order to provide affordable housing in the area. Parking, buffering and landscaping would be required.

Option 2 was identified as the most appropriate strategy for the following reasons:

- it is least likely to undermine adjacent residential uses;
- the existing engineering services would be adequate;
- a smooth transition from residential to commercial would be able to occur as the demand for conversion increases; and,
- it would allow commercial conversion on the same basis as the area to the north (Wembley to Fennell).

Implementation would include amendments to the Official Plan and Zoning By-law, the establishment of Site Plan Control to ensure that design aspects (i.e. - access, parking layout, etc.) are satisfactory and adoption of Development Guidelines.

As a result of the public information meeting held on February 21, 1990, numerous submissions were received from the public regarding the Land Use Review. The public submissions and comments have been reviewed and responses are included in this Report. As well, the Upper James Street Land Use Review has been revised to incorporate various aspects of public input and to reconfirm Option 2 as the recommended Land Use Strategy.

COMMENTS FROM THE PUBLIC

Below is a summary of comments expressed by citizens at the public meeting and by written submission. Responses are provided for each issue raised by the public.

Issue - Parking and Traffic

Comments:

1) That increased traffic would be generated due to the proposed conversions of existing buildings along Upper James Street.

2) That adequate parking be supplied and that overflow parking not occur on West 1st Street.

Responses:

1) The types of commercial uses proposed were chosen because they are low impact and low traffic generating uses. Further, traffic statistics do not show any substantial increase in traffic volumes following the rezoning, in 1983, of the area to the north (Fennell Avenue to Wembley Road).

2) The proposed Zoning By-law amendment would require one parking space per 31 square meters of floor area. This is more than generally required by the Zoning By-law, as commercial establishments of this size are not required to provide parking. Again, it should also be noted that the proposed uses were restricted to low traffic generating commercial uses, to ensure minimal impact on adjacent residential areas.

Issue - Site Design, i.e. - Landscaping, Buffering, Grading

Comments:

1) That adequate buffering be provided between proposed commercial uses fronting onto Upper James Street and the existing residential uses along West First Street.

2) A negative impact on residential uses on West First Street would occur due to garbage from proposed commercial uses on Upper James, i.e. - smell and visual impacts.

3) Concern that properties on West First Street would experience increased runoff into their rear yards, due to the paving of rear yards along Upper James Street to provide parking for commercial conversions.

Responses:

1) The Land Use Review included Development Guidelines for Option 2 which outlined landscaping and buffering measures, such as 1.2 - 2.0 meter high visual barrier and 1.5 meter landscaped strip along rear lot lines. It was proposed to place the area under Site Plan Control, to ensure the

implementation of these buffering features, as well as, parking layout, grading, etc. However, to further ensure the public that these provisions will be implemented, they should be incorporated into the site specific Zoning By-law amendment.

2) The buffering and location of refuse containers can be regulated through Site Plan Control. This will ensure that containers are properly located and buffered, with respect to adjacent residential uses.

3) As the area will be placed under Site Plan Control, the grading of proposed parking areas can be addressed during the Site Plan procedure, to ensure runoff from commercial uses is directed towards Upper James Street, rather than towards the adjacent residential uses.

Issue - Proposed Uses and Options

Comments:

1) Opposition by the public to private club as a permitted use.

2) Computer sales and service, musical instruments sales and instruction, quick print shop and office supplies should be included as proposed uses.

3) Option 3 is preferable, as it would provide "low rise development of much needed residential/commercial mix".

4) Businesses which operate outside the hours of 9:00 a.m. to 6:00 p.m., such as variety stores, would generate an unacceptable level of noise infringing upon adjacent residential uses, and should be prohibited until such time as there is no ongoing residential use along Upper James.

5) The properties fronting onto Upper James should be used for commercial uses with the properties fronting onto West First Street zoned for low to medium density seniors housing.

Responses:

1) Private Club has been removed from the list of proposed uses for Option 2.

2) It is not necessary to include office supplies as a proposed retail use, as a retail store selling books and stationary is already included. The remainder of the above noted uses have been added to the list of proposed uses.

3) Option 3 could provide residential/commercial development, however, given the disadvantages identified for this Option (see pages 14-15 of the Land Use Review), it is considered to be much less feasible than Option 2.

4) As the Zoning By-law does not regulate hours of operation, all the proposed retail uses would have to be deleted from the list of proposed uses, as they traditionally operate outside regular business hours (i.e. - 9:00 a.m. to 9:00 p.m., Monday to Saturday). This would be too restrictive in terms of the number of uses permitted and cannot be supported.

5) An Official Plan Policy could be used to encourage seniors housing for the above-noted area. However, once an area is zoned for multiple-family residential uses, there is no way of restricting housing to seniors residences. Further, as discussed in the Land Use Review, under Option 4 (pages 15 - 16), engineering services are not adequate and would require upgrading; extensive land assembly would be required; and some impact could be expected on the adjacent residential area. For these reasons, the above request cannot be supported.

Issue - Proposed Limitation to Existing Buildings

Comments:

1) Option 2 should be revised to eliminate the restriction to the existing structures.

2) Option 2 should be revised to permit residential/commercial developments up to two storeys in height and to encourage seniors residences.

3) Option 2 should be revised to allow extensions or enlargements to the existing structures.

4) That the two vacant lots in the study area would be developed for commercial uses not in keeping with the adjacent area, specifically, that yard setbacks and building dimensions would not be comparable to those of the existing structures.

Responses:

1-3) If Option 2 was revised to incorporate the above requested changes, the intent of Option 2 as noted below, would be negated:

- o to maintain the existing streetscape;
- o to minimize the impact on adjacent residential uses;
- o to minimize the impact on traffic and parking in the area; and,
- o to ensure that development standards are consistent for the area (Fennell to South Bend).

As well, the sewer system cannot accommodate any increased development density along Upper James. As such, the changes suggested cannot be supported.

4) A policy can be incorporated into the Official Plan Amendment that would permit development of vacant lots, in accordance with the permitted uses for the area and in keeping with the existing development in the area. As well, the Zoning By-law amendment can permit development of the vacant lots, and require development standards comparable to those in the "C" district. This would ensure that new development on vacant lots would not be out of character with the established area.

Summary of Written Submissions Received

- 7 were in favour of Option 1;
- 6 were in favour of Option 2;
- 1 was in favour of Option 3; and
- 3 were in favour of Option 4.

As can be seen above, a total of ten responses were in favour of some form of redevelopment or reuse for commercial and/or mixed commercial/residential uses (Option 2, 3 or 4). On the other hand, only seven responses were in favour of retaining the residential uses in the study area (Option 1). Of the ten responses in favour of commercial redevelopment or reuse, six preferred Option 2.

Further, it should be noted that nine responses were received from properties fronting onto Upper James Street. Of these nine responses, eight favoured commercial redevelopment or reuse, while only one would prefer the area to remain residential.

In conclusion, input received from the public suggests that the majority of the area residents would prefer to permit some form of commercial redevelopment or reuse. Public input also suggests that residents fronting on Upper James Street no longer view the area as suitable for single-family residential purposes and prefer that conversion for commercial uses be permitted. Conversely, residents along West First Street are concerned about the impact from proposed commercial uses fronting onto Upper James Street.

PROPOSED LAND USE STRATEGY

The Upper James Street (Wembley to South Bend Roads) Land Use Review identifies Option 2 as the preferred Land Use Strategy. In terms of public submissions, this strategy would also be preferable as it would allow properties fronting onto Upper James to convert for commercial uses, while minimizing all possible impacts on the adjacent residential area.

Accordingly, Option 2 is recommended as the most appropriate Land Use Strategy for the area. The following implementation methods would be required:

Official Plan Amendment

To implement Option 2, an Official Plan Amendment would be required to:

i) Redesignate the subject lands, from "Residential" to "Commercial";

ii) Establish a new Special Policy Area for the subject lands to:

- limit the types of commercial uses permitted;

- o to encourage proponents to retain a residential component, such as residential units above commercial uses on the ground floor;

- o to restrict commercial uses to the existing buildings, or where existing buildings are destroyed, they may be replaced by new buildings with the same external building dimensions;

- o to permit development of vacant lots only in keeping with the existing development in the area. As such, the height, bulk and setback of new structures will be consistant with those structures in the established area;

- o to encourage proponents for conversion to use innovative parking and access designs, such as shared access for adjacent commercial uses to limit the total number of accesses onto Upper James Street. In this respect, proposals which integrate the design of parking areas and accesses with those of adjacent existing or proposed Commercial uses will be given priority;

- o to encourage rear yard parking as opposed to front yard parking, to maintain the low profile streetscape; and,

- o to require adequate buffering (i.e. - landscaping and fencing) between Commercial uses fronting onto Upper James Street and adjacent Residential uses; and,

iii) To delete "Special Policy Area 38", applicable to the lands known as 678 Upper James Street. The provisions of the proposed Special Policy Area, as set out by ii) above, should be applied to 678 Upper James Street, to ensure comprehensive policy for the entire area.

Zoning By-law Amendment

To implement Option 2, a Zoning By-law amendment would also be required. The subject lands would be rezoned from "C" (Urban Protected Residential, etc.) District to "H" (Community Shopping and Commercial, etc.) District, modified, as follows:

i) Permitted uses will be limited to the following:

Residential

- o single family dwelling; and,

- o one dwelling unit in the same building with a permitted commercial use.

Commercial

- o business or professional person's offices;

- o photographer's or artist's studio but not including a motion picture studio;

- barbershop, hairdressing establishment, beauty parlour, physical fitness studio, reducing salon, shoeshine parlour or other like establishment;

- retail store selling:

  a) wearing apparel and accessories;
  b) furniture, homefurnishings, appliances;
  c) antiques;
  d) books and stationery;
  e) tobacco, gifts, novelties, souvenirs, newspapers and magazines;
  f) cameras and photographic supplies;
  g) jewellery;
  h) flowers plants and like goods sold or offered for sale by a florist;
  i) sale and dispensing of optical goods;
  j) computer sales and service;
  k) musical instruments sales and service; and,
  l) photocopy service;

- retail drug store;

- food store;

- retail variety store;

- showroom or sample room including such a room to deal with bona fide antiques but not including a second-hand shop, pawnbroker, shop for the sale of plumbing supplies or fixtures or a pet shop; and,

- commercial lending library or art gallery.

Institutional

- day nursery.

Public

- library; and,

- art gallery.

Accessory Use

- a wall, ground or projecting sign that complies with the following requirements:

  a) no sign shall exceed 1.2 metres in vertical dimension or 2.2 metres in area; and,
  b) no sign shall be illuminated unless the source of light is steady and suitably shielded to contain the illumination.

ii) Conversions will be limited to the existing buildings, in accordance with the following provisions:

a) All permitted uses will be limited to the existing buildings only.

b) Development of vacant lots will be consistent with the established development in the area. As such, the following regulations will apply to the development of vacant lots:

- a height restriction of 2 storeys;
- a front yard depth of at least 4.5 meters;
- a side yard along each side lot line of at least 1.2 meters; and,
- a rear yard of a depth of at least 7.5 meters.

c) Where existing buildings are destroyed, new buildings with the same external dimensions and floor area will be permitted, subject to the regulations set out in ii) b), above.

iii) Conversions will be subject to the following landscaping and buffering requirements:

a) In the event that any of the permitted commercial, institutional or public uses are established, to require:

- a visual barrier not less than 1.2 meters high and no more than 2.0 meters high; and,
- a 1.5 meter wide landscaped planting strip,

to be provided and maintained along the entire westerly rear lot line.

b) To require all lighting facilities at the rear of the commercial conversions to be installed and maintained so as to ensure that the light is directed away from all adjacent residential areas.

iv) Parking will be required on the basis of:

a) One space for every one dwelling unit for residential uses;

b) One space for every 19 m^2 of floor area for medical offices (including doctor, dentist, osteopath, drugless practitioner);

c) One space for every 6 children for day nurseries; and,

d) One space for every 31 m^2 of floor area for all other permitted uses.

The above-noted parking requirements are consistent with the regulations contained in the Zoning By-law.

Site Plan Control

The area should be placed under Site Plan Control. This would give the City further control over design aspects such as parking, landscaping, access, buffering, grading, etc.

Development Guidelines

The following Development Guidelines should be adopted by Council to provide guidance when evaluating proposals for commercial conversion.

1) In order to limit the total number of accesses onto Upper James Street, shared accesses with adjacent commercial uses will be encouraged. Innovative parking designs will also be promoted in order to maximize on-site parking while minimizing impacts on adjacent residential uses.

   In order to accommodate the above noted features, proponents will be encouraged to convert two adjacent properties simultaneously or to co-ordinate the design of parking areas and accesses with those of adjacent existing or proposed commercial establishments.

2) Wherever possible, parking areas should be located to the rear of the sites to maintain the low profile streetscape.

3) The following shall be provided, in order to buffer adjacent residential uses from parking areas;

   - 1.2 to 2.0 meter high visual barrier; and,
   - 1.5 meter wide landscaped planting strip,

   along all rear lot lines.

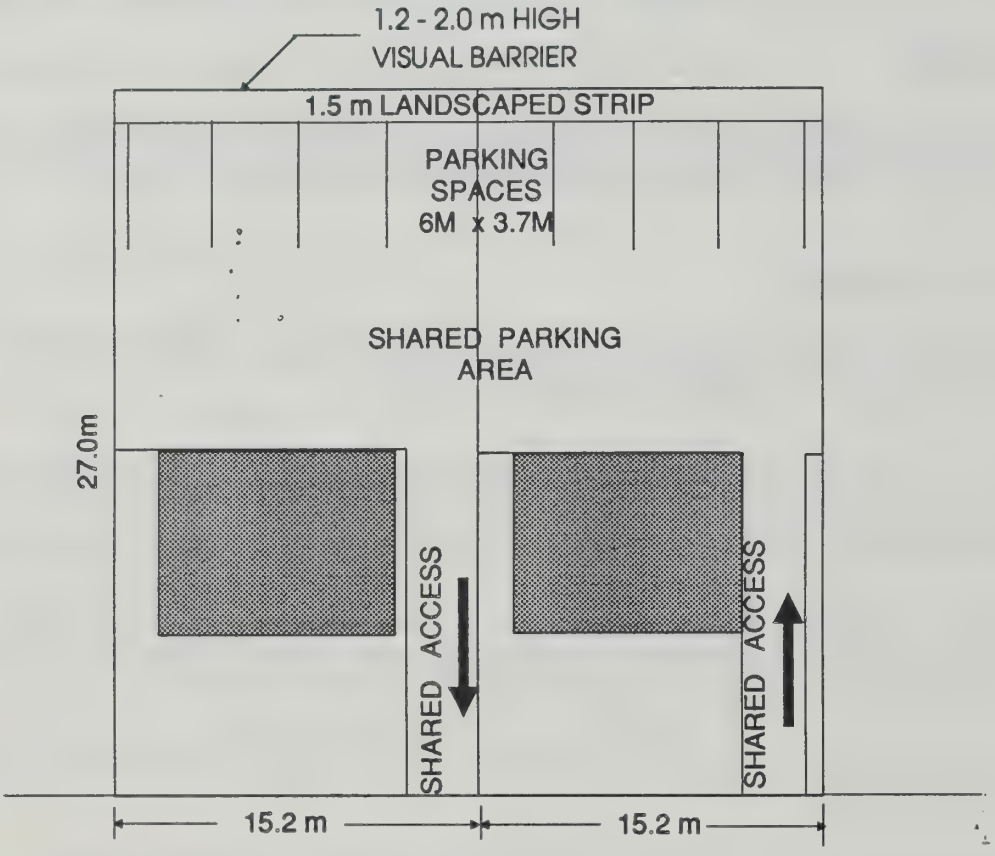
4) In addition to 3) above, wherever possible, landscaping should be used along the individual side lot lines to maintain and embellish the overall character of the area. As well, to provide buffering between commercial conversions and existing residential uses.

5) Refuse containers will be appropriately located and buffered (including visual barriers and landscaping) to minimize any adverse impacts on adjacent residential areas.

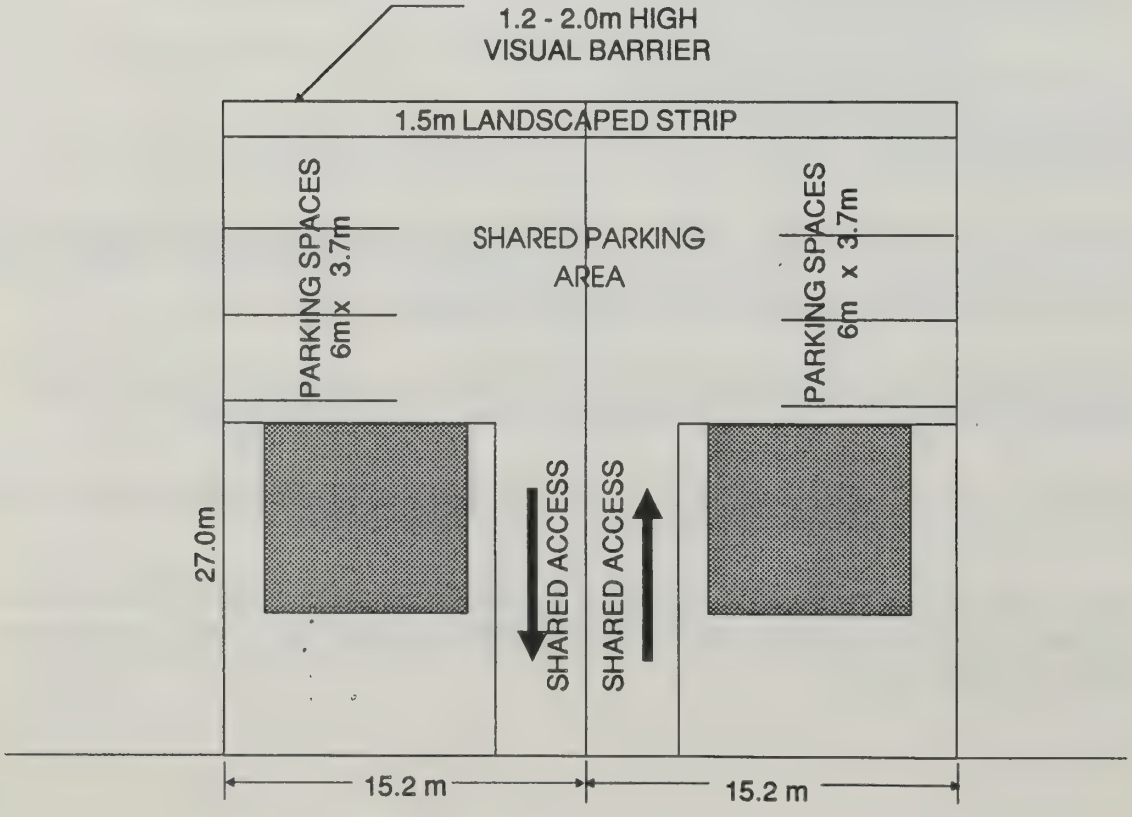
6) Rear yard paved parking areas should be graded so as to direct runoff towards Upper James Street, away from residential uses to the rear of the commercial sites.

7) All lighting facilities will be directed downwards and shielded or oriented away from adjacent residential uses. Light standards will be limited in height so as not to create a nuisance on adjacent residential uses.

Examples of site plans for commercial conversions are shown below.



UPPER JAMES STREET



UPPER JAMES STREET

CONCLUSION

Based on the above, it is recommended that Option 2 and the above noted Development Guidelines be approved by the Planning and Development Committee as the Land Use Strategy for the area west of Upper James Street, between Wembley and South Bend Roads. Since the implementation of this Land Use Strategy would require amendments to the Official Plan and Zoning By-law, it is also recommended that the Planning and Development Department be authorized to hold a Public Meeting, as required by the Planning Act, to consider the proposed Amendments. Final recommendations can then be presented to Council regarding the Land Use Strategy, Development Guidelines, Official Plan and Zoning By-law Amendments and Site Plan Control.

CL-M/dkp

A:\UPPJAMES.P&D

APPENDIX "A"

UPPER JAMES STREET (Wembley To South Bend Roads) *Land Use Review*

Prepared by:

The Planning and Development Department

REVISED
APRIL 1990

Upper James Street (Wembley to South Bend Roads)

Land Use Review

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1.0) Background

As directed by Council, a land use review of the area along Upper James Street between South Bend and Wembley Roads has been undertaken. The study area includes the area west of Upper James Street, between Wembley and South Bend Roads. (see Map 1).

The purpose of this study is to formulate a strategy through guidelines and/or policies which will give direction to future lands use considerations along Upper James Street at the periphery of the Bonnington Neighbourhood. A strategy is imperative for: delineating, in a comprehensive manner, how new uses and/or redevelopment can occur within the established neighbourhood fabric; and, evaluating the merits of proposals for change. Applications in the study area are currently dealt with on an ad-hoc basis, with no specific guidelines or policies in place.

1.1) Development History

As Hamilton grew "southward" in the 1950's and 60's, Upper James Street became one of the major commercial corridors on the mountain. Despite the commercial development extending along Upper James Street, a few city blocks have remained residential. In fact, up until 1983, the blocks between Fennell Avenue and South Bend Road, remained primarily residential, with the exception of the Mountain Plaza (rezoned for a shopping center in 1957). Presently, the area between Fennell Avenue and Wembly Road is experiencing a slow transition from residential to commercial.

While the study area remains predominantly residential, there have recently been two zoning applications for change to commercial uses. Although the pressure for commercial development has been moderate, it is likely to accelerate, given, the extent of existing commercial development along the Upper James Street corridor, and the opportunity to convert less expensive residential land for commercial use.

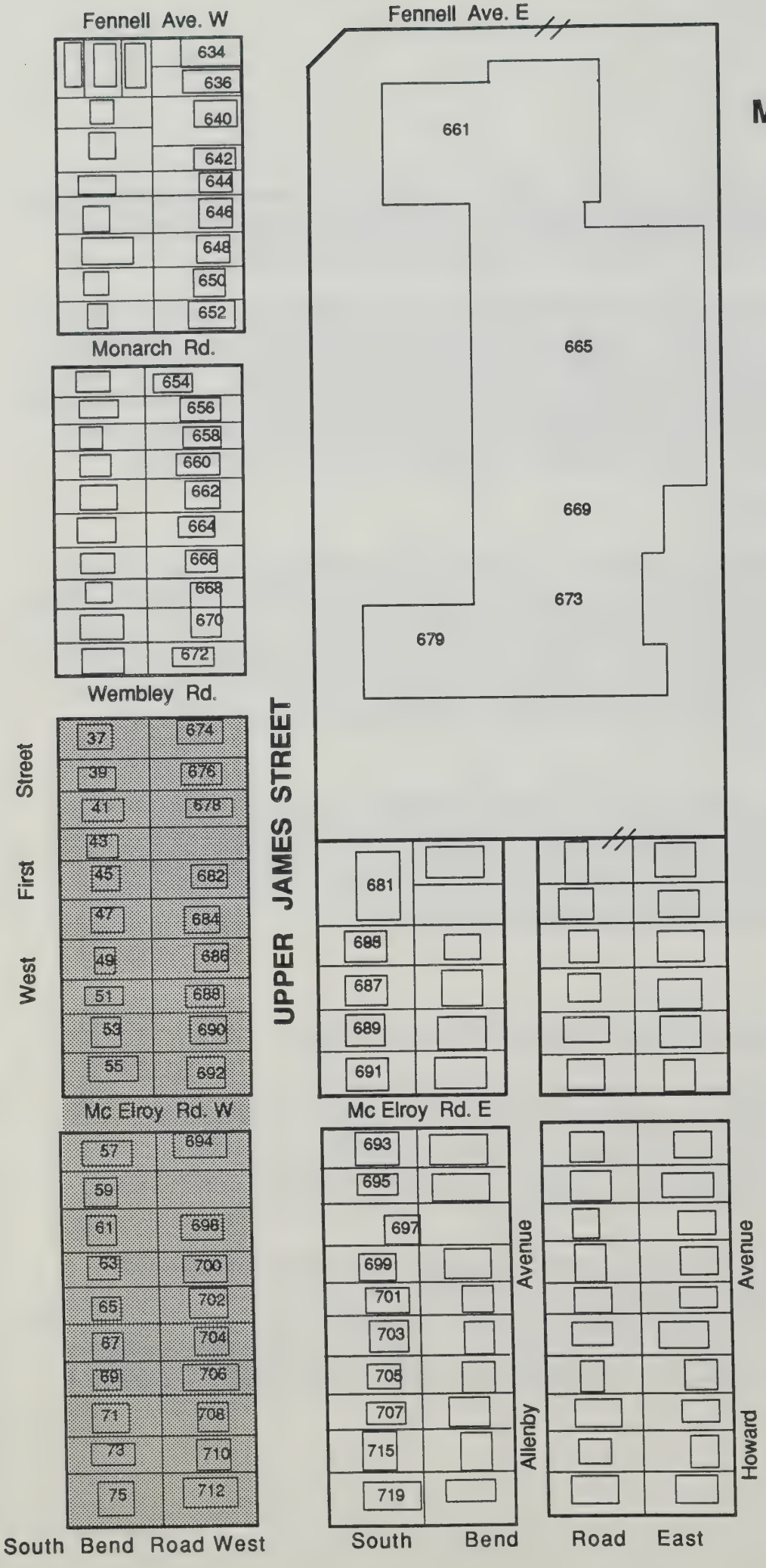
1.1.1) 638-672 Upper James Street - North of the Study Area (ZA 80-31)

In 1980, a Zoning application was submitted requesting a modification to the "C" (Urban Protected Residential, etc.) District, to permit the development of these lands for commercial purposes. Council considered the area inappropriate for commercial development (ie. incompatibility with adjacent uses, creation of traffic hazards on Upper James Street, increased traffic on local streets) and denied the application.

An appeal was subsequently made to the Ontario Municipal Board and the application was approved. The Board considered the area suitable for commercial uses and directed the City to amend its Official Plan (Special Ploicy Area 19) and Zoning By-law, and to place the area under Site Plan Control. The amendments permitted limited commercial uses within the existing buildings. For details of Councils disposition and the Boards decision see Appendix A.

MAP No. 1

MUNICIPAL NUMBERS



LEGEND

Study Area

Further amendments provided for the development of vacant land at 638 Upper James (Special Policy Area 29) and the exemption of 660 Upper James from the restriction to the existing building (Special Policy Area 34).

1.1.2) Within The Study Area

a) 678 Upper James Street (ZA 86-51)

On March 10, 1987, Council adopted Official Plan Amendment No. 49, (Special Policy Area 38) and passed By-Law 87-221 which permitted the conversion of the existing residential building for limited commercial uses. The provisions applied were the same as those for 638-672 Upper James Street.

As a result of this application, Council requested staff to undertake this land use review.

b) 694-696 Upper James Street (ZA 88-124)

A real estate office was established at this location, notwithstanding the residential zoning ("C" District). Accordingly, the Building Department issued an Order to Comply against the property for contravention of the Zoning By-law. In response, the owner applied for a rezoning to permit the real estate office. The application is being held in abeyance pending the outcome of this study.

1.2) Existing Land Use*

1.2.1) 638-672 Upper James Street - North of the Study Area

Of the 17 buildings north of the study area: 5 are used strictly for commercial purposes; 4 for mixed residential/commercial purposes; 1 is vacant; and the remaining 8 are used for residential purposes. This land use mix indicates that the area is under slow transition from residential to commercial.

1.2.2) Within the Study Area

The predominant land use is single family dwellings (see Map 2). However, 2 mixed commercial/residential uses do exist. Commercial establishments include a Chiropractor office and a variety store. Generally, the buildings are 1 1/2 to 2 storeys in height, and appear to be in good condition. The majority of the lots have driveways along the north side of the house. Existing uses are summarized in Table 1 below.

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* ***Based on site survey, July, 1989.***

MAP No. 2

EXISTING LAND USE

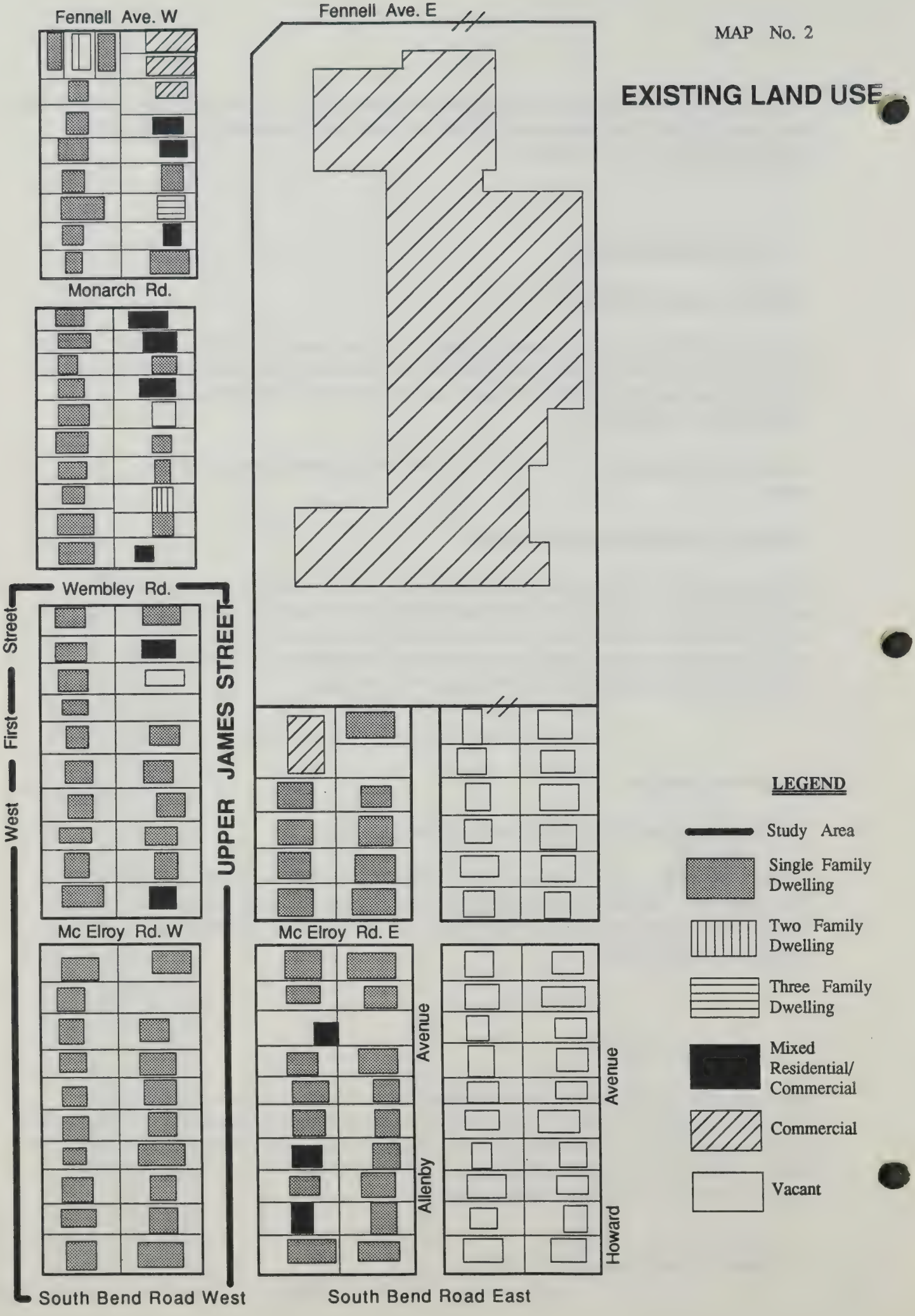


Table 1 **Existing Land Use**

	Upper James St.	West 1st St.
mixed commercial/ residential	2	0
single family dwellings	26	20
vacant	1	0

1.2.3) Lot Sizes

The lot sizes in the study area are typical of those found in a "C" District -12m x 30.5m (40' x 100'), however the depths tend to be shallow. The average lot sizes are summarized in Table 2 below.

Table 2 **Average Lot Sizes**

	Frontages	Depths	Areas
Upper James Street	15.2 m	26.8 m	409 m2
West 1st Street	15.2 m	32 m	486 m2

1.2.4) Ownership

Approximately 81% of the homes in the study area are owner-occupied. This statistic suggests stability in the residential uses.

1.3) Transportation and Engineering Services

1.3.1) Roadways and Alleyways

Upper James Street is a major arterial road, as well as a Provincial highway, running in a north/south direction. It is also a major truck route linking the downtown with the mountain and the municipalities beyond.

Traffic volumes have been constant over the last 10 to 15 years. In a 24 hour period, approximately 23,000 vehicles use Upper James Street, south of Fennell Avenue. Similarly, truck volumes have remained stable over the last 10 years ranging between 300 and 400 in the 7-10 AM and 2-6 PM hours. Clearly, the large traffic volumes are not reflective of a residential street.

Within the study area, there are "public unassumed" alleyways west of Upper James Street.

1.3.2) Public Transit

The study area is served by the Upper James route running from Gore Park to either Sister Elizabeth Village or the Mountain Transit Centre. As well, the Fennell route runs from the Bayfront to Mohawk College and the Mohawk route runs from Upper Kenilworth Avenue to Upper Horning Road.

1.3.3) Watermain Capacity

Watermain capacity is sufficient to accommodate increased development fronting on Upper James Street. However, the capacity of the watermains on Southbend, McElroy and Wembley Roads is barely sufficient for single family dwellings.

1.3.4) Storm and Sanitary Sewer Capacity

Upper James Street has a combined sanitary and storm sewer system which at the present time, is barely sufficient to service the existing development. Increased development intensity in the area may create the necessity to upgrade the sewer system; however, no provision has been made in the Five Year Capital Works Program for such an undertaking.

1.4) Existing Planning Controls

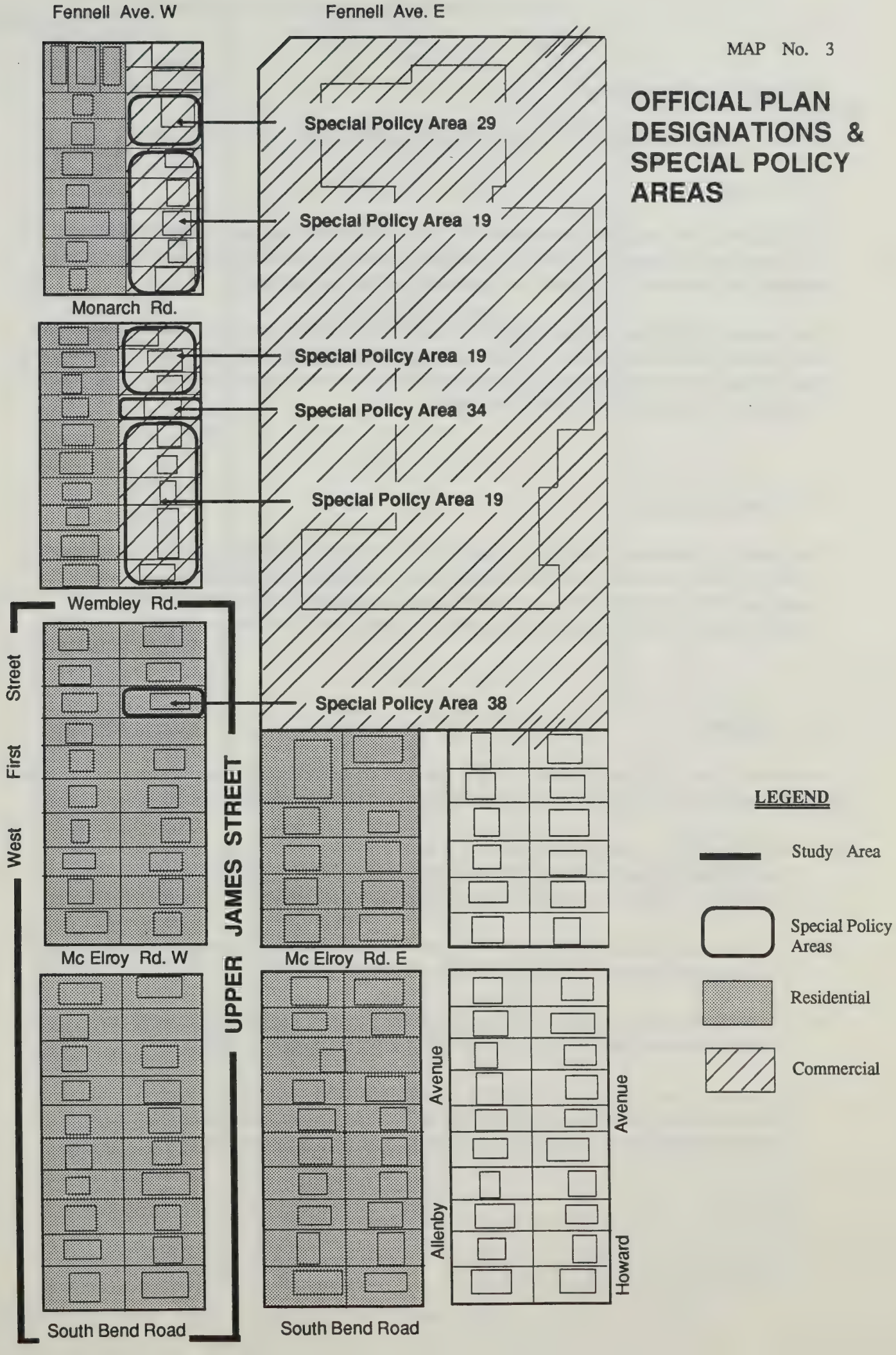
Planning controls shape the manner and type of development that will occur. These include: the Official Plan, Neighborhood Plans, Zoning By-law and Site Plan Control.

1.4.1) Official Plan

The study area is designated RESIDENTIAL on Schedule "A" - Land Use Concept (see Map 3). The primary permitted uses are dwellings. In addition, Local Commercial uses and Home Occupations may also be permitted, subject to certain provisions. Special Policy Area 38 (678 Upper James Street) permits limited commercial uses.

MAP No. 3

OFFICIAL PLAN DESIGNATIONS & SPECIAL POLICY AREAS



1.4.2) Neighbourhood Plans

There is no Neighborhood Plan for the Bonnington Neighbourhood.

1.4.3) Zoning By-law

The majority of the properties are zoned "C" (Urban Protected Residential, etc) District (see Map 4). In addition to single family dwellings, converted dwellings, foster homes, residential care facilities, day nurseries, and home occupations may also be permitted.

One property (678 Upper James Street) is zoned "H" (Community Shopping and Commercial etc.) District, modified, to permit a limited number of commercial uses (ie. book store, antiques, personal service establishments) and requires parking, etc. The same zoning regulations apply to this property as those north of Wembley Road.

1.4.4) Site Plan Control

The majority of the study area is not under Site Plan Control, as Site Plan Control does not apply to the "C" District. However, Council has the option of requiring its application on specific properties. This was done in the case of 678 Upper James Street to ensure that adequate parking, access, buffering and landscaping was being provided (see Map 5).

2.0) ANALYSIS

In reviewing the background research and site analysis, certain characteristics of the study area are critical in the evaluation of land use options or strategies. Specifically:

1) The study area consists of a multiplicity of small fragmented parcels of land. Generally, the average lot size is between 409 and 455 m2 (4,400 and 4,900 sq. ft), with shallow depths averaging 26.8 to 30.5m (88 to 100 ft.);

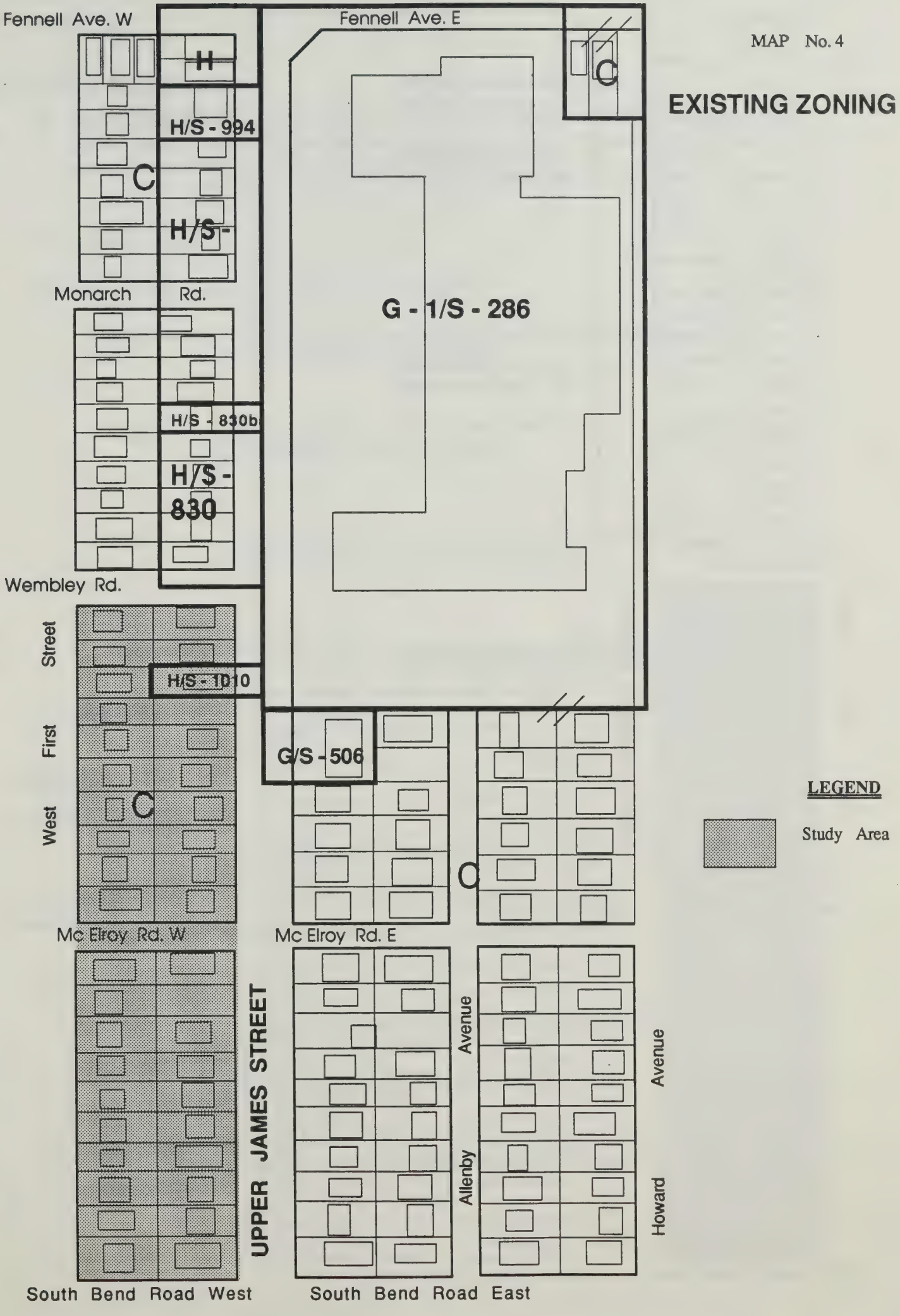
2) The study area is located between two commercial nodes, south and north of the study area, which offer a wide variety of goods and services;

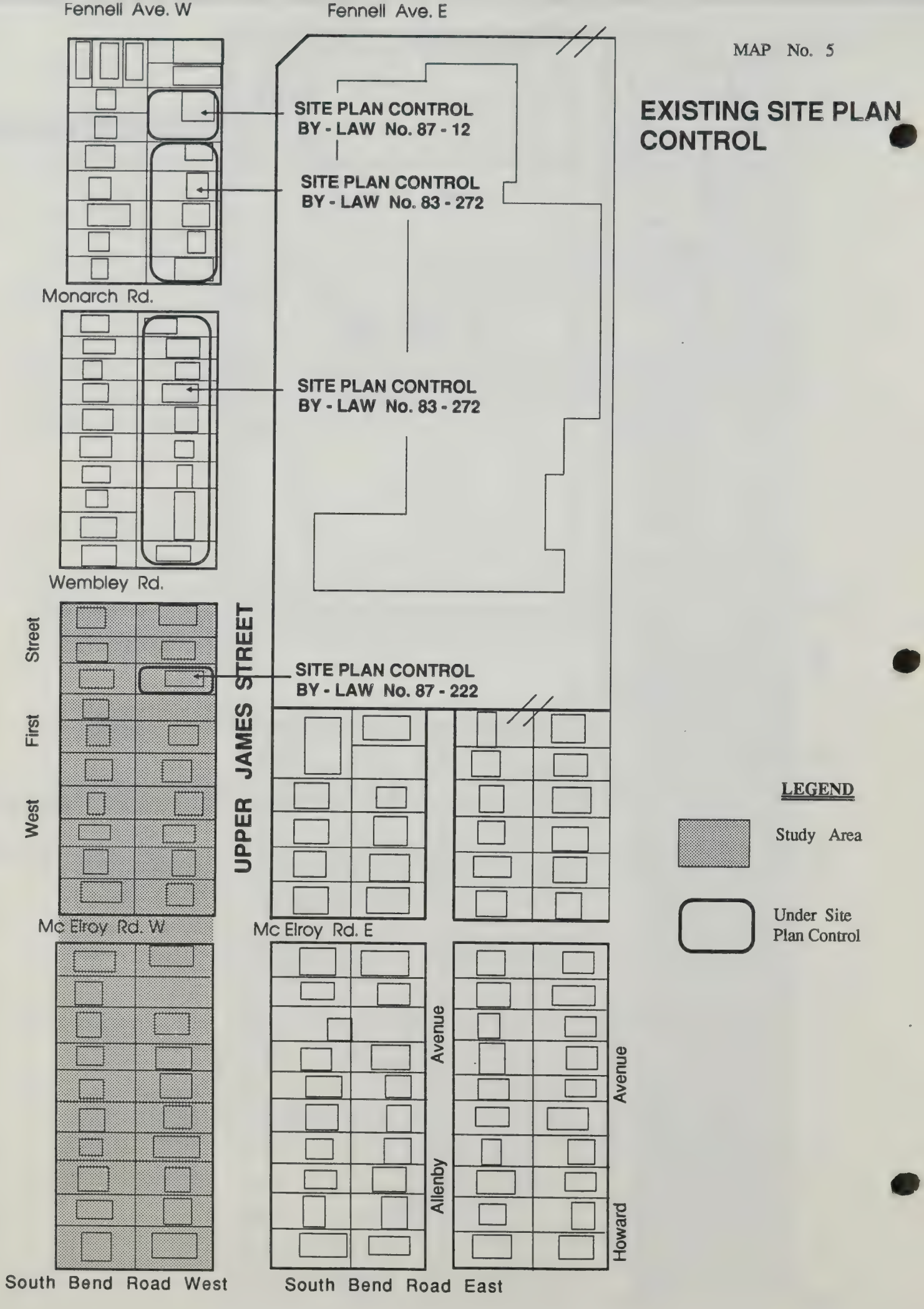
3) Upper James Street is a major transportation corridor carrying high volumes of both truck and automobile traffic, as well as being serviced by public transit;

4) Engineering services are restricted in that the watermain capacity cannot accommodate further development along South Bend, McElroy or Wembley Roads and the sewer system cannot accommodate any increased development density; and,

MAP No. 4

EXISTING ZONING




Fennell Ave. W
Fennell Ave. E
MAP No. 5
EXISTING SITE PLAN CONTROL
SITE PLAN CONTROL BY - LAW No. 87 - 12
SITE PLAN CONTROL BY - LAW No. 83 - 272
SITE PLAN CONTROL BY - LAW No. 83 - 272
SITE PLAN CONTROL BY - LAW No. 87 - 222
Monarch Rd.
Wembley Rd.
UPPER JAMES STREET
West First Street
Mc Elroy Rd. W
Mc Elroy Rd. E
Allenby Avenue
Howard Avenue
South Bend Road West
South Bend Road East
LEGEND
Study Area
Under Site Plan Control

5) In spite of the adjacent commercial concentrations and high traffic volumes, the study area still appears to be a viable residential enclave by virtue of the number of residential uses and the conditions of the buildings.

2.1) Land Use Options

There are 4 land use options that may be considered

- Option 1: Retain the residential uses within the study area and not permit further commercial development.

- Option 2: Permit conversion of existing structures fronting onto Upper James for limited commercial purposes.

- Option 3: Permit redevelopment of Upper James frontage only for commercial and/or mixed commercial/residential uses.

- Option 4: Permit comprehensive redevelopment of both blocks, west of Upper James Street, for commercial and/or mixed commercial/residential uses.

2.1.1) Option 1 - maintains the status quo and does not permit any further commercial intrusion.

Advantages

- No need to expand existing sewer and watermain services.
- No additional potential traffic onto Upper James or local streets.
- No detrimental impact on adjacent residential areas.

Disadvantages

- This option ignores the fact that pressure for commercial redevelopment is likely to increase, without proper policy guidance.
- As Upper James continues to develop as a commercial corridor, the viability of the study area for residential uses will diminish.

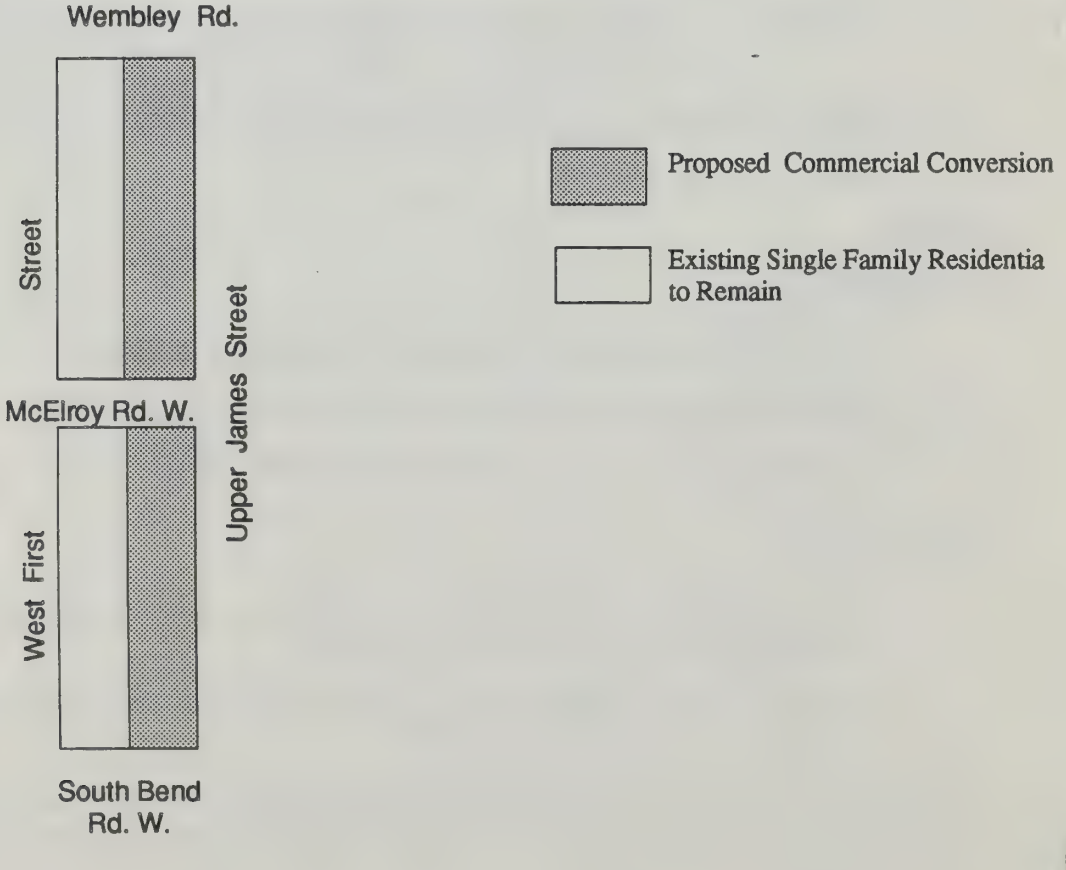
Option 1 is not a desireable alternative as it ignores the potential development pressures along the corridor. As pressure is likely to increase, redevelopment for commercial use appears unavoidable.

2.1.2) Option 2 - permits the conversion of the existing structures fronting onto Upper James Street for commercial uses (see below). The types of commercial uses permitted would be limited to personal services, offices, retail stores (jewellery, drug store, food, flowers, etc.) and some public uses (art gallery, library). In order to provide affordable housing in the area, retention of a residential component would be encouraged, (ie. apartments above commercial.) Parking would be required. In addition, the lands would be placed under Site Plan Control to ensure that design aspects such as, access, parking layout, etc., are satisfactory to ensure that any impacts on the adjacent residential area would be negated.

Advantages

- The existing low profile streetscape would be maintained by requiring the retention of the existing structures.

Option 2



- It would not overburden existing sewers and watermains, given that conversions would be limited to existing structures;
- It would ensure that the uses permitted and zoning standards for those properties fronting on the west side of Upper James Street between Fennell Avenue and Southbend Roads would be consistent.
- The impact on adjacent residential uses would be minimal in that conversion is contained to the existing building.
- Increase in traffic and parking on the adjacent local streets would be minimal.

  Some affordable housing would be retained.

Disadvantage

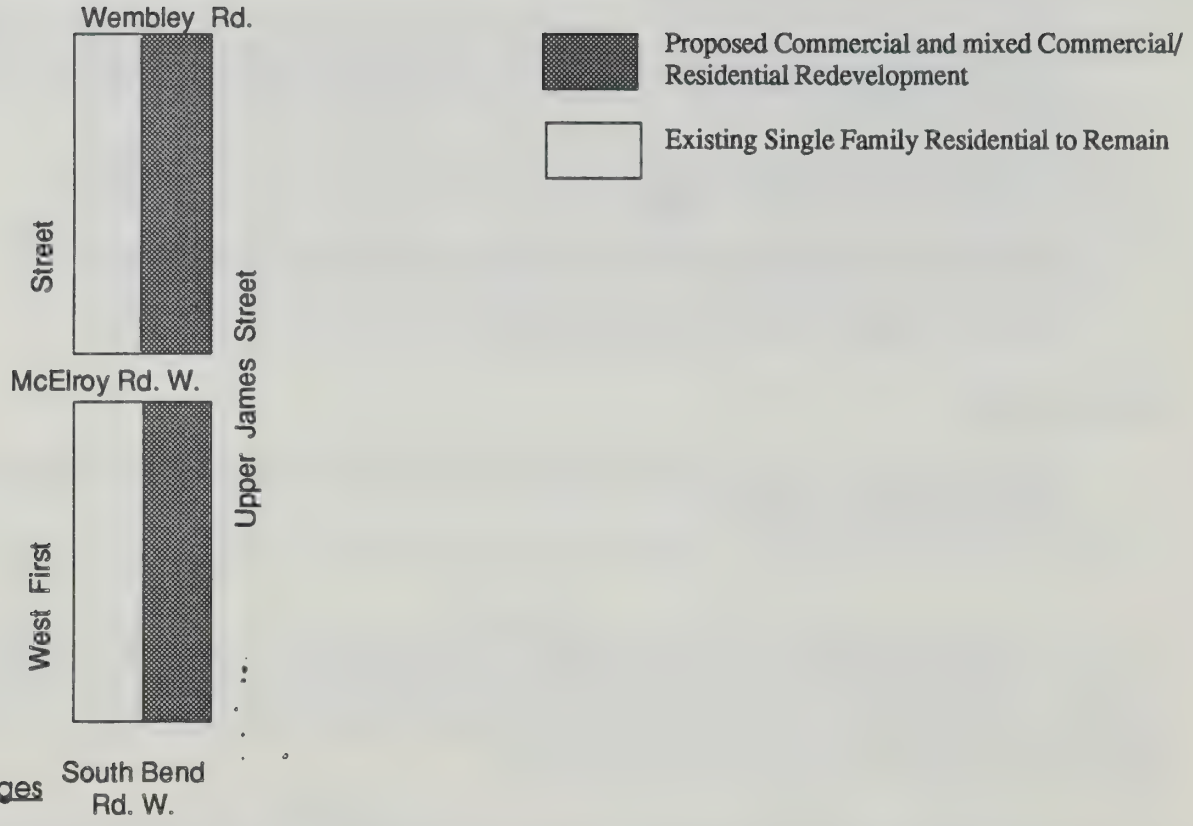
- Large number of accesses onto Upper James Street, due to individual driveways, could have an impact on traffic.

The only disadvantage is the numerous accesses onto Upper James Street. However, shared accesses and parking areas for adjacent commercial uses could be encouraged to alleviate potential traffic problems. Further, it should be noted that the Traffic Department has not indicated the individual accesses to be a concern.

As seen above, the advantages of this Option greatly outweigh the one disadvantage. Existing services would be adequate for the proposed redevelopment, the impact on the adjacent residential area would be minimal, the existing low profile streetscape would be maintained, and uses permitted would be consistent with other commercial uses in the area.

2.1.3) Option 3 - anticipates the redevelopment of the Upper James frontage for commercial and/or mixed commercial/residential uses (see below). Existing residential uses on West First Street would remain. Due to the small size and fragmented ownership of properties, it is likely that at least two or more properties would have to be assembled and redeveloped in order to accommodate setbacks, parking, landscaping and other performance standards.

* Option 3



Advantages

- There may be fewer access drives onto Upper James Street, reducing any potential impact on traffic.
- The area would be suitable for multiple-family residential uses, mixed commercial/residential uses, and/or retirement home, ie. close to shopping, public transit, etc.
- Some affordable housing could be supplied, in the form of higher density residential development.

Disadvantages

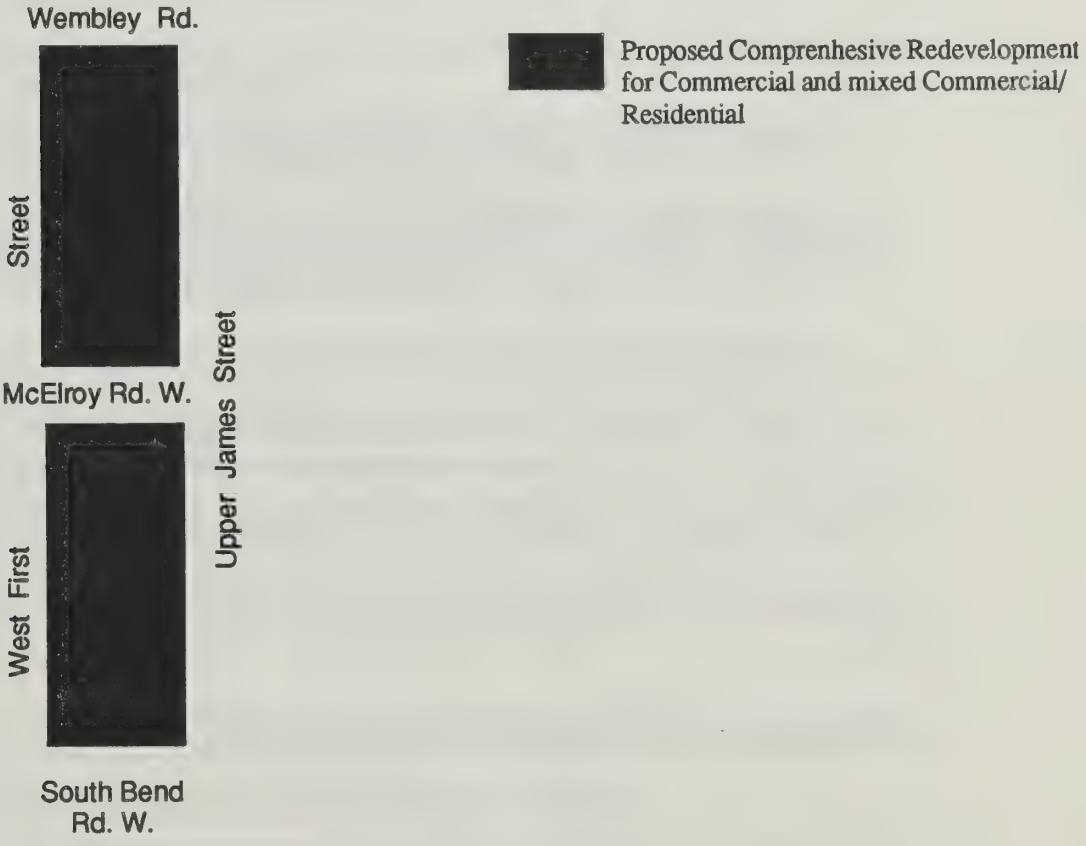
- There would be some impact on adjacent residential uses, ie. increased noise, increased traffic, overflow parking, visual impacts.
- It is likely that the sewer system would have to be upgraded to accommodate the increased development.
- The properties are too small in size to be redeveloped individually, land assembly would be required.

There are a number of disadvantages that make this Option considerably less feasible than Option 2. One disadvantage is the upgrading of the existing sewer system which would be necessary to service the area, a large portion of the cost which would be borne by the Region.

In addition, some land assembly would be required for redevelopment. Also, the potential for detrimental impact on the adjacent residential uses would be greater.

2.1.4) Option 4 - calls for the complete redevelopment of the entire study area, for commercial or mixed commercial/residential purposes (see below).

Option 4



Advantages

- This option would provide for larger developments which could meet the Zoning requirements (H District) or the performance standards.
- As in Option 3, there would be fewer access drives onto Upper James Street, thus reducing any potential impact on traffic.
- The area would be suitable for multiple-family residential uses, mixed uses and/or retirement home, ie. close to shopping, public transit, etc.
- Some affordable housing could be supplied, in the form of higher density residential development.

Disadvantages

- Both the sewer and watermain systems would have to be upgraded to serve the area with a satisfactory level of engineering services.
- It would result in the intrusion of commercial development into the stable residential areas in the interior of the neighbourhoods. Some impact on the adjacent residential area would be expected, such as: increased noise; visual impacts; additional traffic and/or spill over parking on residential streets.
- Extensive land assembly would be essential.

Again, there are a number of drawbacks associated with this Option. Existing engineering services are inadequate to service redevelopment of this extent. Upgrading of both the sewer system and the watermain system would be required. Complete redevelopment of the entire blocks for commercial or mixed commercial/residential uses would cause an intrusion of commercial uses into a stable residential area. Associated traffic and spill over parking would likely impact the adjacent residential area. Further, extensive land assembly would be required for this Option.

3.0) Proposed Land Use Strategy and Implementation

Based on the above analysis, it is prudent to formulate a strategy at this time, for the conversion and/or redevelopment of the study area for commercial or mixed commercial/residential use. This will ensure that proper guidelines/policy are in place. If redevelopment is to be permitted in the study area, Option 2 is the least likely to undermine adjacent residential uses, would keep development pressure in check, and would not fuel speculation. A smooth transition from residential to commercial would be able to occur as the demand for conversion increases. As well, Option 2 would provide for redevelopment that would be consistent with the area to the north (Wembley to Fennell). Consequently, Option 2 should be adpoted as the Land Use Strategy for the area.

The implementation strategy is outlined below and would require amendments to the Official Plan and Zoning by-law, the establishment of Site Plan Control and adoption of Development Guidelines.

3.1) Official Plan Amendment

To implement Option 2 an Official Plan Amendment would be required to:

i) Redesignate the subject lands, from "Residential" to "Commercial"; and

ii) Establish a new Special Policy Area for the subject lands to:

- limit the types of commercial uses permitted;
- to encourage proponents to retain a residential component, such as residential units above commercial uses on the ground floor;
- to restrict commercial uses to the existing buildings, or where existing buildings are destroyed new buildings with the same external building dimensions;
- to permit development of vacant lots only in keeping with the existing development in the area. As such, the height, bulk and setback of new structures will be consistant with those structures in the established area;
- to encourage proponents for redevelopment to use innovative parking and access designs, such as shared access for adjacent commercial uses to limit the total number of accesses onto Upper James Street. In this respect, redevelopment proposals which integrate the design of parking areas and accesses with those of adjacent existing or proposed Commercial uses will be given priority;
- to encourage rear yard parking as opposed to front yard parking, to maintain the low profile streetscape; and,
- to require adequate buffering (ie. landscaping and fencing) between Commercial uses fronting onto Upper James Street and adjacent Residential uses.

iii) To delete "Special Policy Area 38", applicable to the lands known as 678 Upper James Street. The provisions of the new Special Policy Area, as set out by ii) above, should be applied to 678 Upper James Street, to ensure comprehensive policy for the entire area.

3.2)Zoning By-Law Amendment

To implement Option 2 a Zoning By-law amendment would also be required. The subject lands would be rezoned from "C" (Urban Protected Residential, etc.) District to "H" (Community Shopping and Commercial, etc.) District, modified, as follows:

i) Permitted uses would be limited to the following:

Residential

- single family dwelling; and,
- one dwelling unit in the same building with a permitted commercial use.

Commercial

- business or professional person's offices;
- photographer's or artist's studio but not including a motion picture studio;
- barbershop, hairdressing establishment, beauty parlour, physical fitness studio, reducing salon, shoeshine parlour or other like establishment;
- retail store selling:

  a) wearing apparel and accessories;
  b) furniture, homefurnishings, appliances;
  c) antiques;
  d) books and stationery;
  e) tobacco, gifts, novelties, souvenirs, newspapers and magazines;
  f) cameras and photographic supplies;
  g) jewellery;
  h) flowers plants and like goods sold or offered for sale by a florist;
  i) sale and dispensing of optical goods;
  j) computer sales and service;
  k) musical instruments sales and service; and,
  l) photo copy service;

- retail drug store;
- food store;
- retail variety store;
- showroom or sample room including such a room to deal with bona fide antiques but not including a second-hand shop, pawnbroker shop for the sale of plumbing supplies or fixtures or a pet shop; and,
- commercial lending library or art gallery.

Institutional

- day nursery.

Public

- library; and
- art gallery;

Accessory Use

- a wall, ground or projecting sign that complies with the following requirements:

  a) no sign shall exceed 1.2 metres in vertical dimension or 2.2 metres in a area; and,
  b) no sign shall be illuminated unless the source of light is steady and suitably shielded to contain the illumination.

ii) Conversions will be limited to the existing buildings, in accordance with the following provisions:

a) All permitted uses will be limited to the existing buildings only.

b) Development of vacant lots will be consistent with the established development in the area. As such, the following regulations will apply to the development of vacant lots:

- a height restriction of 2 storeys;
- a front yard depth of at least 4.5 meters;
- a side yard along each side lot line of at least 1.2 meters; and,
- a rear yard of a depth of at least 7.5 meters.

c) Where existing buildings are destroyed, new buildings with the same external dimensions and floor area will be permitted, subject to the regulations set out in ii) b), above.

iii) Conversions will be subject to the following landscaping and buffering requirements:

a) In the event that any of the permitted commercial, institutional or public uses are established, to require:

- a visual barrier not less than 1.2 meters high and no more than 2.0 meters high; and,
- a 1.5 meter wide landscaped planting strip,

to be provided and maintained along the entire westerly rear lot line.

b) To require all lighting facilities at the rear of the commercial conversions to be installed and maintained so as to ensure that the light is directed away from all adjacent residential areas.

iv) Parking will be required on the basis of:

a) One space for every one dwelling unit for residential uses;

b) One space for every 19 m^2 of floor area for medical offices (including doctor, dentist, osteopath, drugless practitioner);

c) One space for every 6 children for day nurseries; and,

d) One space for every 31 m^2 of floor area for all other permitted uses.

The above parking requirements are consistant with regulations set out in the Zoning by-law.

3.3 Site Plan Control

The subject lands should be placed under Site Plan Control. This would give the City further control over design aspects such as parking, landscaping, access, buffering, etc.

3.4)Development Guidelines

The following Development Guidelines would be used when evaluating any proposals for commercial conversion.

1) In order to limit the total number of accesses onto Upper James Street, shared accesses with adjacent commercial uses will be encouraged. Innovative parking designs will also be promoted in order to maximize on-site parking while minimizing impacts on adjacent residential uses.

   In order to accommodate the above noted features, proponents will be encouraged to redevelop two adjacent properties simultaneously or to co-ordinate the design of parking areas and accesses with those of adjacent existing or proposed commercial establishments.

2) Wherever possible, parking areas should be located to the rear of the sites to maintain the low profile streetscape.

3) The following shall be provided, in order to buffer adjacent residential uses from parking areas;

- 1.2 to 2.0 meter high visual barrier; and,
- 1.5 meter wide landscaped planting strip,

along all rear lot lines.

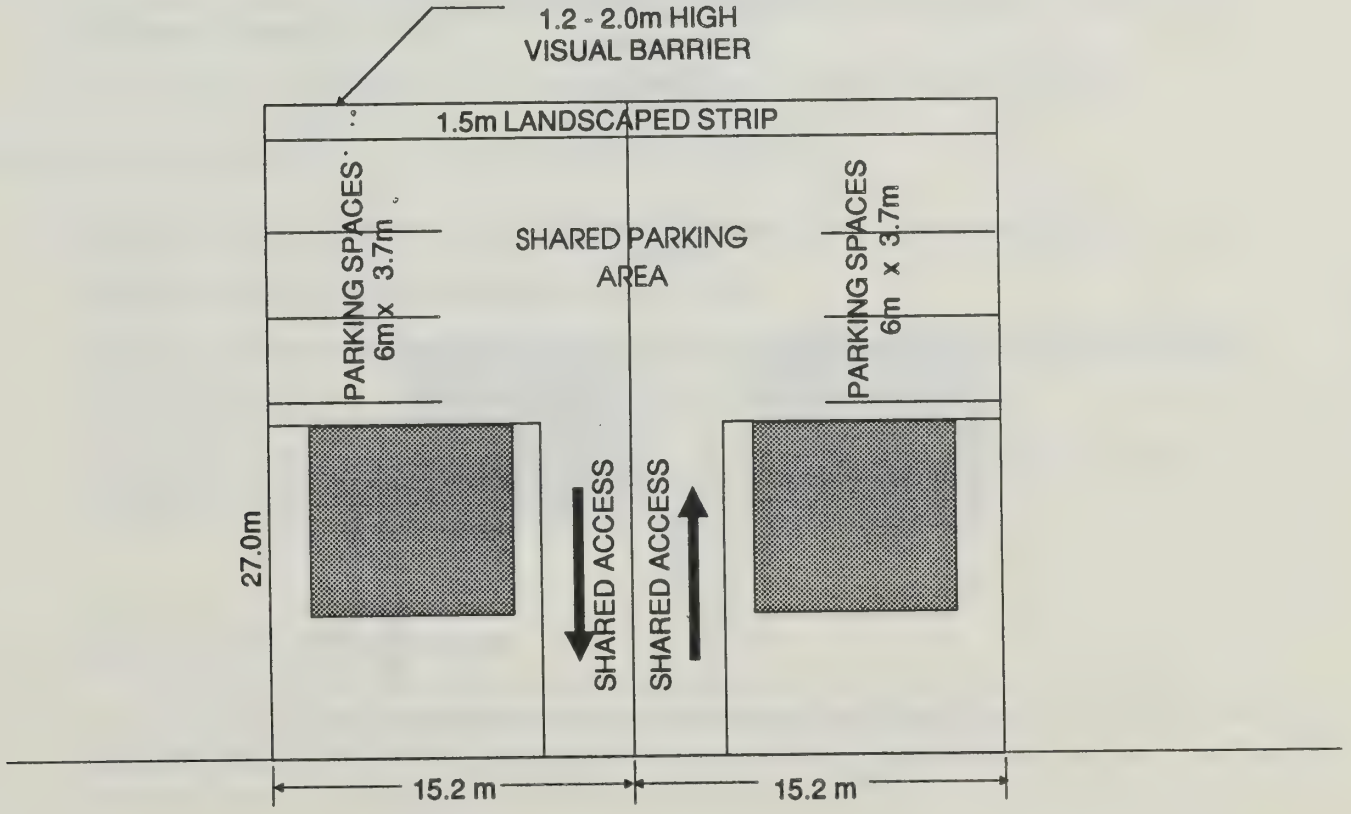
4) In addition to 3) above, wherever possible, landscaping should be used along the individual side lot lines to maintain and embellish the overall character of the area. As well, to provide buffering between commercial conversions and existing residential uses.

5) Refuse containers will be appropriately located and buffered (including visual barriers and landscaping) to minimize any adverse impacts on adjacent residential areas.

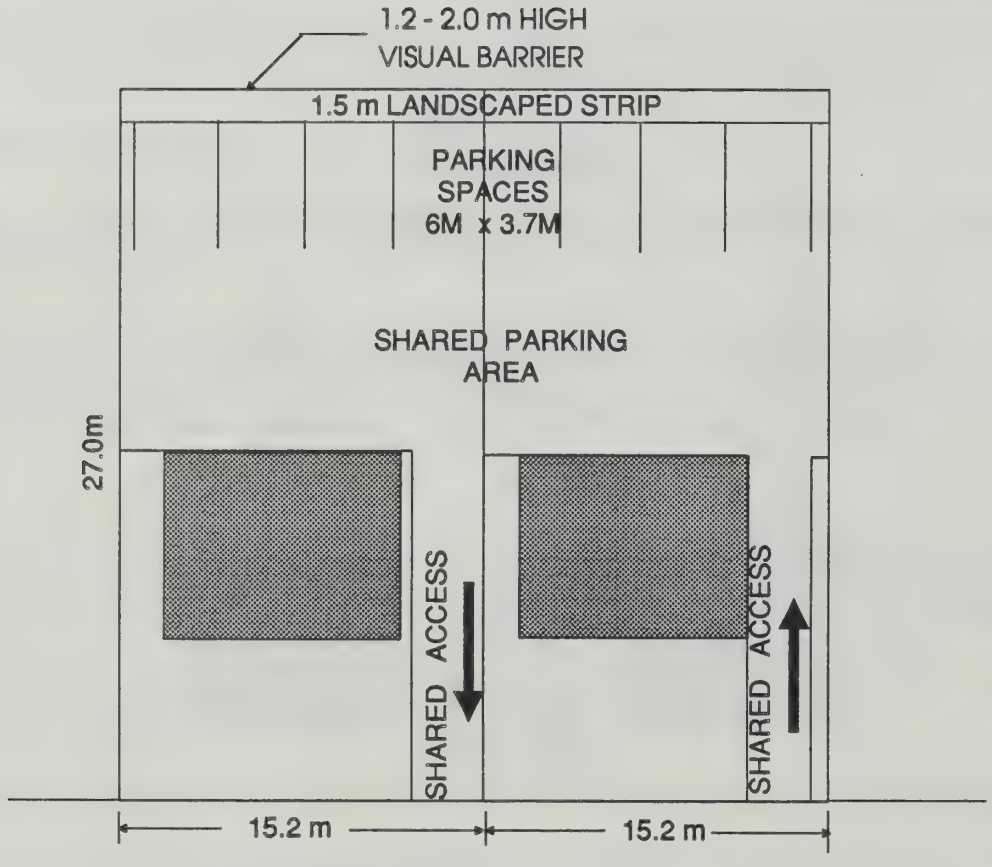
6) Rear yard paved parking areas should be graded so as to direct runoff towards Upper James Street, away from residential uses to the rear of the commercial sites.

7) All lighting facilities will be directed downwards and shielded or oriented away from adjacent residential uses. Light standards will not be of a height sufficient to create a nuisance to adjacent residential uses

Examples of site plans for commercial conversions are shown below.



UPPER JAMES STREET



UPPER JAMES STREET

APPENDIX A

Detailed Development History

638-672 Upper James Street - North of the Study Area (ZA 80- 31)

The application was denied by Council on the basis of the:

- proliferation of existing commercial development in the surrounding area;
- incompatibility with adjacent land uses;
- creation of traffic hazards given the number of access points onto Upper James (due to individual driveways); and,
- increased traffic generation on local streets due to commercial development.

The appeal was approved by the Ontario Municipal Board, given:

- noise from vehicular traffic has made the occupation of the residences difficult;
- traffic impact on local streets would be insignificant;
- a large percentage of the Upper James Street frontage is used for commercial activities;
- further intrusion into the residential area is unlikely; and,
- impact on abutting residential properties to the rear would be minimal and could be mitigated through buffering.

Accordingly, the OMB directed the City:

1) to process an Official Plan Amendment redesignating the subject lands from RESIDENTIAL to COMMERCIAL and creating a Special Policy Area (SPA 19) to allow limited commercial uses within the existing buildings (O.P.A. No. 6);

2) to pass an amending zoning by-law:

   - to limit the types of commercial uses to offices, drug stores, grocery stores etc.;
   - to limit these uses to the existing buildings;
   - to require parking at 1 space per 41.8 m2 of floor area; and,
   - to allow buildings with the same external dimensions to be built in case of destruction (By-law 83-271); and,

3) to place the lands under Site Plan Control (By-law 83-272).

13.

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

DATE: June 12, 1990
COMM. FILE:
DEPT. FILE: 25T-90004
ZA-90-07

FROM: J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT:

Proposed Draft Plan of Subdivision

Proposed Rezoning Application

RECOMMENDATION:

1. **SUBDIVISION APPLICATION**

a) That approval be given to application 25T-90004, "Edan Heights", 603976 Ontario Limited, owner, to establish a draft plan of subdivision on lands west of Upper Sherman Road and south of Beaverton Drive, subject to the following conditions:

1. That approval apply to the plan prepared by A. J. Clarke and Associates Ltd., dated January 22, 1990, showing 68 lots, 5 blocks for development with adjacent lands, one block for a 0.3 m reserve and the easements required for small lots.

2. That the street be dedicated to the City of Hamilton as public highway on the final plan.

3. That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.

4. That the final plan conform with the Zoning By-law approved under The Planning Act.

5. That the owner convey 5% of the land included in the plan to the City of Hamilton for park purposes pursuant to The Planning Act.

6. That such easements as are required for utility and drainage purposes be granted to the appropriate authority.

7. That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block in the final plan.

8. That any dead-ends or open sides of the road allowances created by the plan be terminated in 0.3m reserves (Block "74") to be conveyed to the City of Hamilton and be held by the City until required for the future extension of the road allowances or development of abutting lands.

9. That Blocks "64" to "73" inclusive be developed only in conjunction with abutting lands.

10. That a 2.0 m X 2.0 m daylight triangle is established at the north-east corner of Lot 25.

11. That prior to the final plan, sewers and watermains have been extended to service this development.

12. That the owner shall erect a sign in accordance with Section XI of the subsequent Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.

13. That the owner agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.

b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (25T-90004), 603976 Ontario Ltd., owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

c) That the Butler Neighbourhood plan be changed accordingly.

2. REZONING APPLICATION

That approval be given to Zoning Application 90-07, 603976 Ontario Ltd. (J. Rubino and D. Valentini), owners requesting a change in zoning from "AA" (Agricultural) District modified to "R-4" (Small Lot Single-Family Detached) District, to permit development of the subject lands for small lot single-family detached homes, for lands at the rear of Nos. 1448-1500 Upper Sherman Avenue, fronting onto Acadia Drive, as shown on the attached map marked as APPENDIX "A", on the following basis:

i) That the lands be rezoned from "AA" (Agricultural) District modified to "R-4" (Small Lot Single-Family Detached) District;

ii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-27C and for E-28D presentation to City Council;

iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE

The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District modified to "R-4" (Small Lot Single-Family Detached) District, for property at the rear of Nos. 1448-1500 Upper Sherman Avenue, as shown on the attached key map.

The effect of the By-law is to permit small lot single-family detached development on the subject lands.

A.L. Georgieff, M.C.I.P.
Director of Local Planning

J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS:

N/A

BACKGROUND:

Owner:

603976 Ontario Limited, Hamilton, Ontario

Surveyor:

A. J. Clarke and Associates Ltd., Hamilton, Ontario

Location:

The lands, comprising 3.24 ha, are located west of Upper Sherman Avenue and south of Beaverton Drive in the Butler Neighbourhood, City of Hamilton.

History of Rezoning:

o H-214-89, H-216-89, H-218-89 and H-220-89 to H-224-89

The above applications were submitted to the Land Division Committee for severance of land at the rear of Nos. 1448-1500 Upper Sherman Avenue, which are also the subject of this rezoning application.

Concerns were expressed to the Committee, at its meeting of November 21, 1989, by several commenting agencies regarding the size of the retained lands. As municipal sewers are not available, the retained lands must have a minimum lot size of 22,000 square feet in order to meet the health standards for septic systems. The retained portions were deficient in lot area. The severances were granted on the condition that a sewer easement be registered on the title of the severed portions in favour of the retained portions.

The applicant has met all conditions of the City.

o By-law 79-326

City Council, at its meeting of November 13, 1979, passed this By-law to modify the established "AA" (Agricultural) District regulations applicable to the subject lands. The modification permits development of the lands for residential building lots having a minimum width of 40.2 metres and a minimum lot area of 5,600 m^2.

LAND USE AND ZONING

	Existing Land Use	Existing Zoning
Subject Lands	vacant	"AA" (Agricultural) District, modified
Surrounding Lands		
to the north	vacant	"R-4"-H (Small Lot Single-Family Detached) District, Holding
to the south	vacant	"AA" (Agricultural) District modified
to the west	high school	"AA" (Agricultural) District
to the east	single-family dwellings	"C" (Urban Protected Residential, etc.) District

PROPOSAL - SUBDIVISION

The owner proposes to subdivide the lands into 68 lots for single-family dwellings, 5 blocks for development with adjacent lands and a 0.3 m reserve.

PROPOSAL - REZONING

The owner proposes to rezone the lands from "AA" (Agricultural) District to modified "R-4" (Small Lot Single-Family Detached) District.

EXISTING DEVELOPMENT CONTROLS

Hamilton-Wentworth Official Plan - the lands are identified as "Residential and Related Uses" within the "Urban Policy Areas". The proposal complies.

City of Hamilton Official Plan - the lands are designated as "Residential". The proposal complies.

Neighbourhood Plan - the lands are designated for Single and Double Residential units. The proposal, subject to a change of the road pattern, would comply.

Zoning - the lands are zoned AA" (Agricultural) District. It is required to rezone the lands to permit the proposed development.

Niagara Escarpment - the lands are not within the "Development Control Area", therefore, the regulations do not apply.

COMMENTS FROM CIRCULATION

SUBDIVISION APPLICATION

The following agencies have advised that they have no comment or objection toward the proposal:

- Ministry of Transportation;
- Ministry of the Environment;
- Ministry of Natural Resources;
- Ministry of Culture and Communications;
- Hamilton Region Conservation Authority;
- Ontario Hydro, Union Gas and Bell Canada;
- City Traffic Department;
- City Building Department.

The Hamilton-Wentworth Department of Engineering has submitted the following comments and recommendations:

"Comments:

1. Municipal and sanitary and storm sewers are unavailable at the present time.

2. Municipal watermains are unavailable at the present time.

3. Municipal services are scheduled under the capital budget for 1991-1992 period.

4. There will be Regional share for oversizing of services in this subdivision. However, a cost estimate is not available at this time.

5. Acadia Drive is established to its ultimate road allowance width.

6. This plan appears to conform to the intent of the neighbourhood plan except for the deletion of the two small cul-de-sac bulbs.

Recommendations:

1. The owner must enter into a subdivision agreement with the Regional Municipality of Hamilton-Wentworth and the City of Hamilton prior to the development of any portion of these lands.

2. The final plan is not to be registered until sewers and watermains have been extended to service this development.

3. Dead ends of road allowances are to be terminated in 0.3 metre reserves and are to be transferred to the Municipality.

4. The approval of this plan may preclude the orderly development of lands abutting to the south since a small strip remains between the subdivision limits and the future internal neighbourhood street and these matters should be resolved at this time to ensure that the street location as shown on the approved Butler Neighbourhood Plan will not be changed. A shift south of this street may then be too close to the midblock collector street.

5. A 2.0 metre X 2.0 metre daylight triangle is required at the north-east corner of Lot 25.

6. The one foot reserve on the east side of Acadia is to be purchased from the City and any outstanding servicing costs recovered.

The submitted plan, as prepared by A. J. Clarke and Associates Limited and dated January 22, 1990 is satisfactory to the Department of Engineering, subject to the above-noted comments and recommendations."

REZONING APPLICATION

Comments Received

o The following agencies have no comment or objection:

- Hamilton Region Conservation Authority;
- Hamilton-Wentworth Regional Police Department; and,
- Traffic Department.

o The Building Department has advised that:

"The land is subject to a plan of subdivision as per Section 9A(2)(c) of By-law 6593."

o The Hamilton-Wentworth Engineering Department has advised that:

"Please be advised that public watermains are available to service the subject lands. However, there are no storm or sanitary sewers available at this time.

Internal servicing will be dealt with under a draft plan of subdivision.

Our comments on Eden Heights draft plan of subdivision are still applicable to this application."

o The Hamilton-Wentworth Department of Health Services has advised that:

"The lands were the subject of a series of severance applications (H-214-89 to H-225-89). The Land Division Committee approved these applications subject to a number of conditions, one of which requires the establishment of individual easements, for septic system purposes, in favour of the retained lands, to the satifaction of the Department of Public Health Services. To the best of my knowledge, evidence of such easements has not yet been submitted to this office. Consequently, this Department is opposed to this application at the present time."

COMMENTS

1. This report deals with and includes recommendations in regard to a proposed draft plan of subdivision and a proposed amendment to the Zoning By-law to implement the plan.

2. As no part of the subject land is designated for park or recreational use in the approved neighbourhood plan, it is recommended that the parkland requirement for this subdivision be taken as cash-in-lieu of land.

3. The conformity of the proposal with the Official Plan, the approval of an amending Zoning By-law and a change to the Neighbourhood Plan affecting the road pattern, is noted.

4. Severance applications H-214-89 to H-225-89, involving lots on the east side of Edan Crescent, require that easements be established over lands of lots 43 to 57 inclusive. Therefore, lots 43 to 57 should not be developed prior to the availability of services for the properties located on 1448-1500 Upper Sherman Avenue at which time the easements would be no longer required.

5. The Hamilton-Wentworth Engineering Department has advised that municipal sewers are scheduled for the 1991-92 capital budget. Usually it would be appropriate to affix the "H" - Holding symbol to the lands; however, as the development is proceeding through a draft plan of subdivision, the matter of servicing and the timing of development will be addressed through the agreement.

6. The proposal has merit and can be supported for the following reasons:

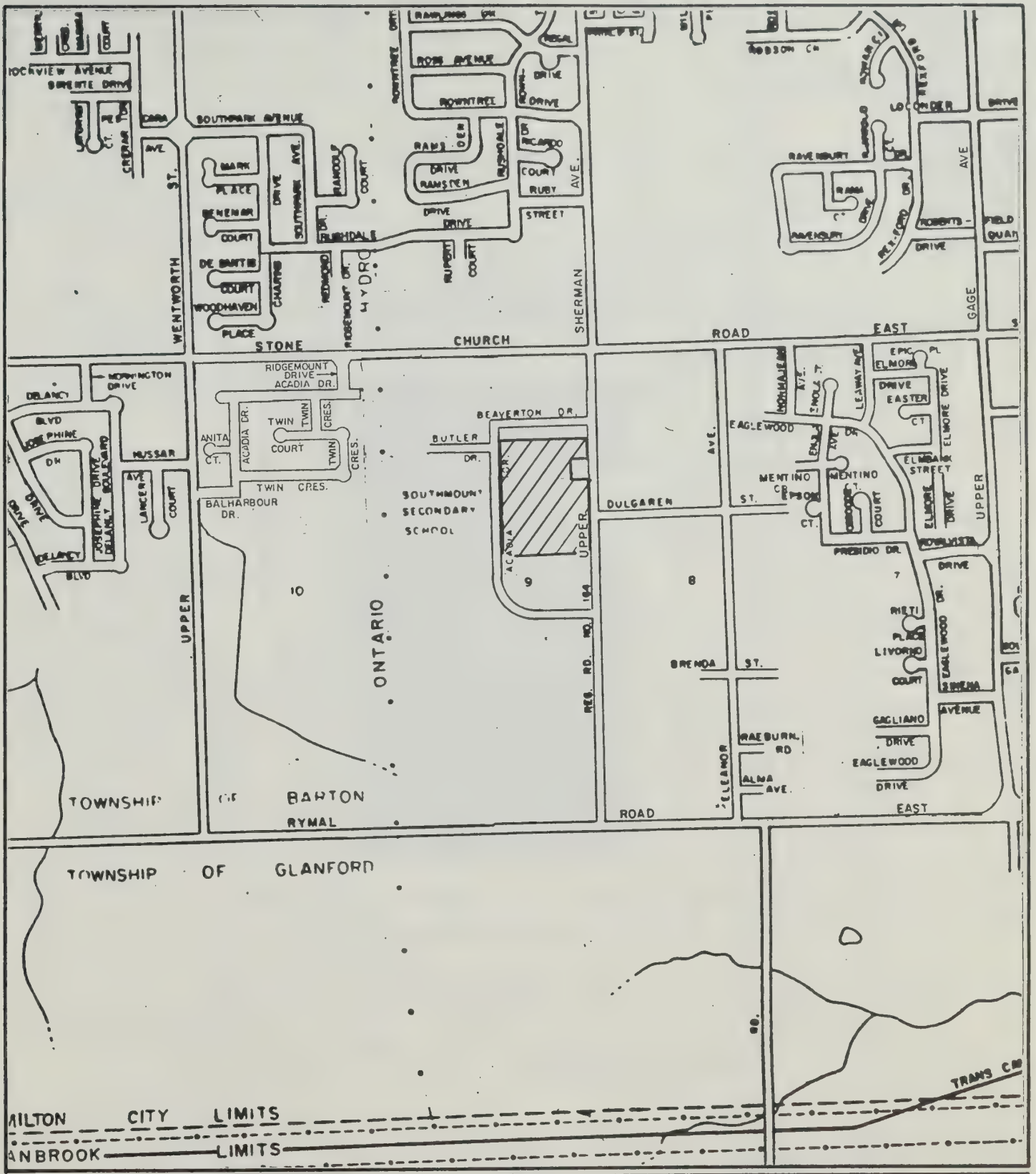
   i) it implements the intent of the Official Plan;

   ii) it would be consistent with the future planned development in the area; and,

   iii) the requested zoning is appropriate for the proposed development.

7. On the basis of the foregoing, the application can be supported.

JLS/jd



Location Plan For

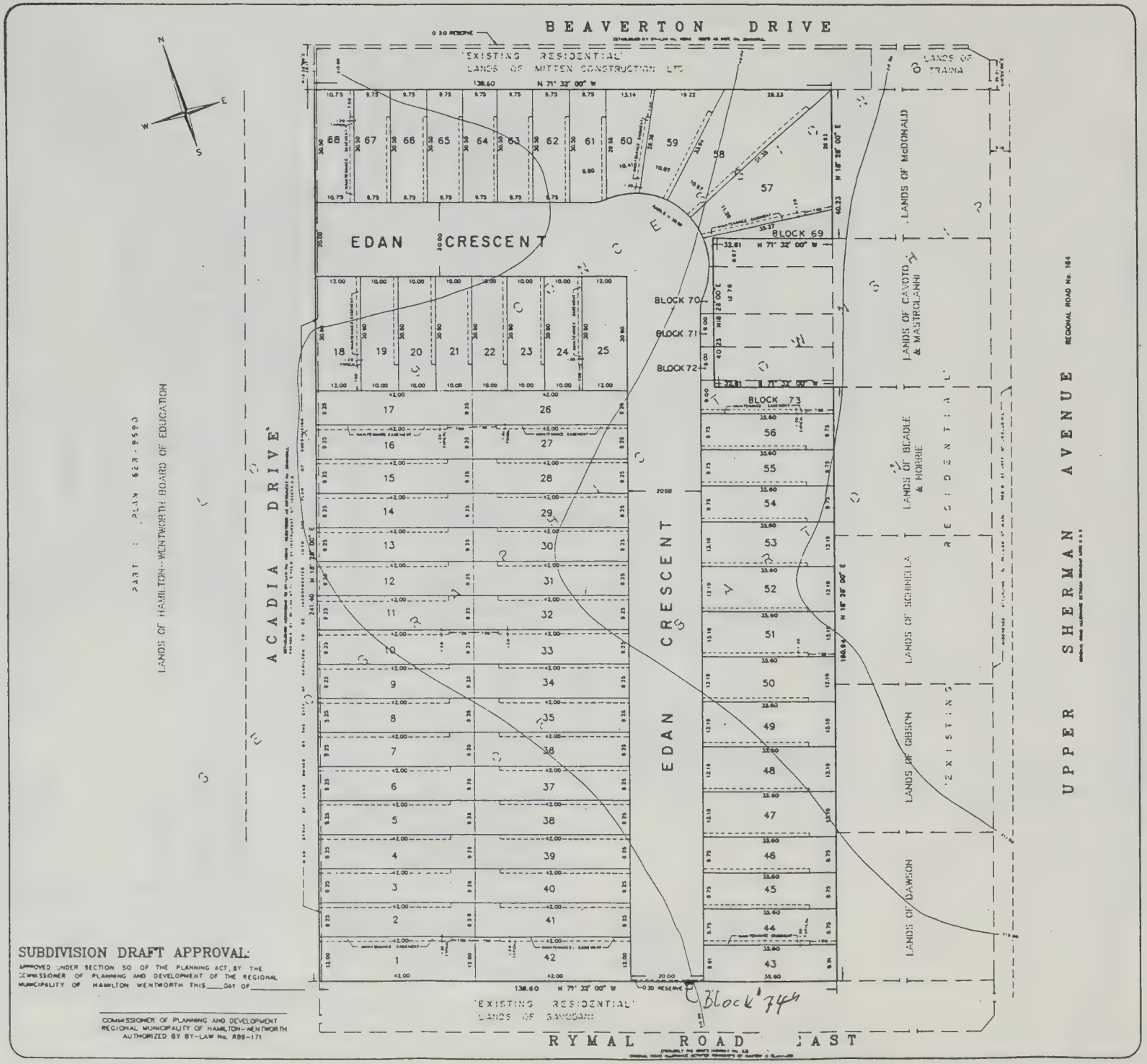
EDAN HEIGHTS

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

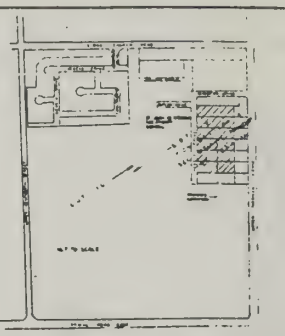
Legend

PROPOSED SUBDIVISION

North	Scale	Reference File No.
	1" = 1000'	25T-90004
	Date	Drawing No.
	FEB. 5, 1990	



KEY PLAN:



DRAFT PLAN OF :

EDAN HEIGHTS

BEING A PROPOSED SUBDIVISION OF
PART OF LOT 9 – CONCESSION 8
GEOGRAPHIC TOWNSHIP OF BARTON
NOW IN THE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
SCALE 1 : .500

D. G. FRASER O.L.S. – 1990

NOTE: THIS IS A DRAFT PLAN ONLY AND IS SUBJECT TO REVISION AND AMENDMENT

METRIC: DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048 .

RE: CHAPTER ONE - R.S.O. - 1983 SECTION 50(2) OF THE PLANNING ACT

A. SHOWN ON THE PLAN	G. SHOWN ON THE PLAN
B. SHOWN ON THE PLAN	H. MUNICIPAL PIPED WATER AVAILABLE
C. SHOWN ON THE PLAN	I. SILTEY CLAY
D. SEE LAND USE SCHEDULE	J. SHOWN ON PLAN
E. SHOWN ON PLAN	K. TO BE INSTALLED BY THE SUBDIVIDER
F. SHOWN ON PLAN	L. SHOWN ON PLAN

SURVEYOR'S CERTIFICATE:

I, HEREBY CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN.

JANUARY 22nd, 1990
DATE

D. G. FRASER
– ONTARIO LAND SURVEYOR

OWNER'S AUTHORIZATION:

WE, 803976 ONTARIO LIMITED BEING THE REGISTERED OWNERS OF THE SUBJECT LANDS HEREBY AUTHORIZE A.J. CLARKE AND ASSOCIATES LTD TO PREPARE AND SUBMIT THIS DRAFT PLAN TO THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH FOR THEIR APPROVAL.

JANUARY 22nd, 1990
DATE

PRESIDENT

LAND USE SCHEDULE:

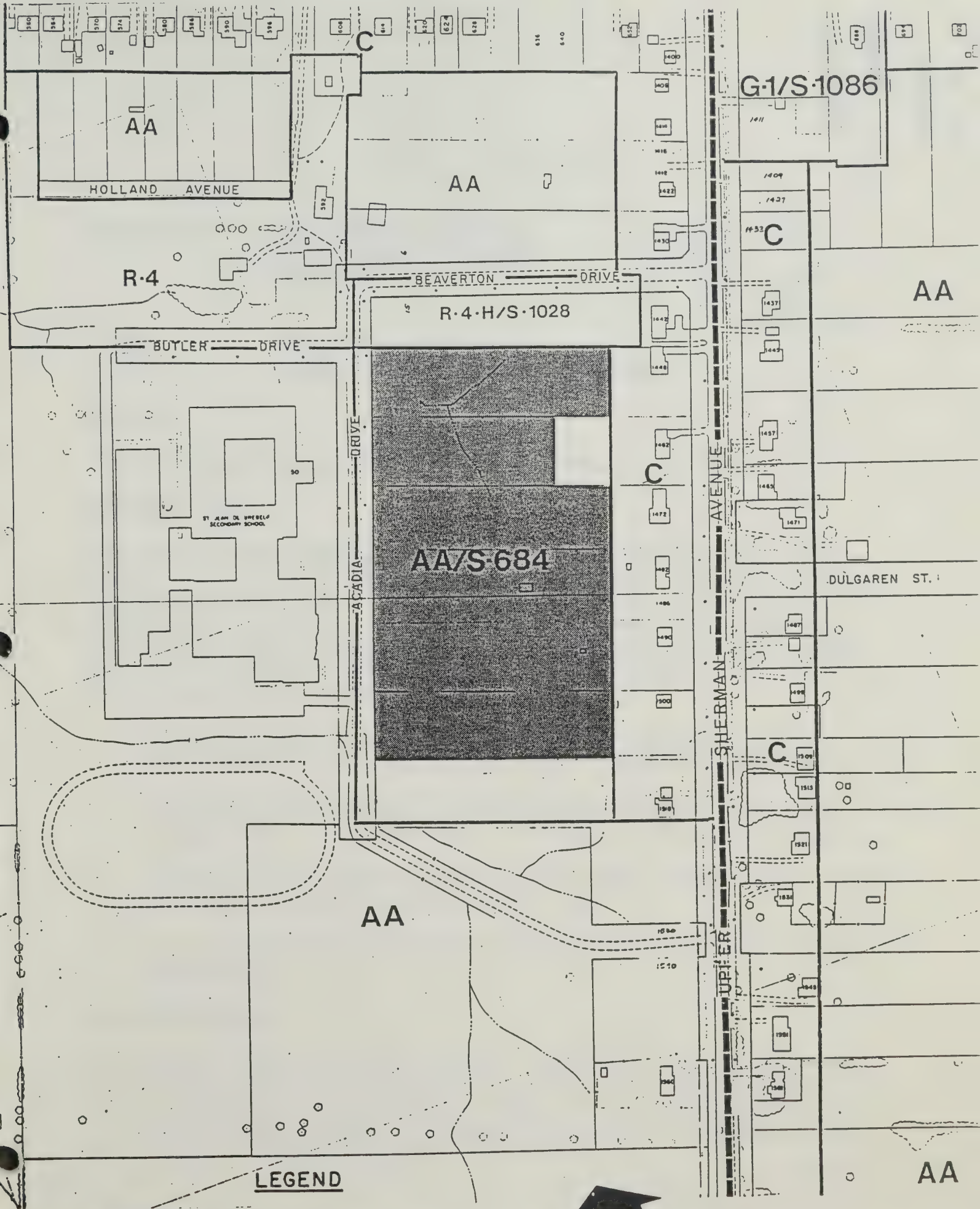
TOTAL AREA OF PROPOSED SUBDIVISION : 3.24 ha (8.00 acres)
LOTS 1 TO 66 – PROPOSED SINGLE FAMILY DWELLING LOTS
BLOCKS 69 TO 73 – TO BE DEVELOPED IN CONJUNCTION WITH ADJOINING LANDS

SUBDIVISION DRAFT APPROVAL:

APPROVED UNDER SECTION 50 OF THE PLANNING ACT, BY THE COMMISSIONER OF PLANNING AND DEVELOPMENT OF THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH THIS ___ DAY OF _____

COMMISSIONER OF PLANNING AND DEVELOPMENT
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
AUTHORIZED BY BY-LAW No. 85-171

A. J. Clarke and Associates Ltd.
ONTARIO LAND SURVEYORS . CONSULTING ENGINEERS


C
G-1/S-1086
AA
HOLLAND AVENUE
AA
C
R-4
BEAVERTON DRIVE
AA
R-4-H/S-1028
BUTLER DRIVE
ARCADIA DRIVE
C
AA/S-684
SHERMAN AVENUE
DULGAREN ST.
C
AA
JUPITER
AA
LEGEND
SITE OF THE APPLICATION
ZA 90-07

APPENDIX A

14.

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: June 7, 1990
COMM FILE:
DEPT FILE: ZA-90-37
Nashdale
Neighbourhood

FROM: J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT:

Request for changes in zoning for the rear part of property at No. 315 Centennial Parkway North.

RECOMMENDATION

That approval be given to Zoning Application 90-37, Select Site Properties Limited, owner, for a change in zoning from "JJ" (Restricted Light Industrial District) District to "HH" (Restricted Community Shopping and Commercial District) District (Block "1"), and from "KK" (Restricted Heavy Industrial District) District to "HH" (Restricted Community Shopping and Commercial District) District (Block "2"), for the rear part of property located at No. 315 Centennial Parkway North as shown on the attached map marked as APPENDIX "A", to establish uniform zoning on the property and permit, in addition to the existing gas bar use, a retail strip plaza, on the following basis:

i) That the lands described as Block "1" be rezoned from "JJ" (Restricted Light Industrial District) District to "HH" (Restricted Community Shopping and Commercial District) District;

ii) That the lands described as Block "2" be rezoned from "KK" (Restricted Heavy Industrial District) District to "HH" (Restricted Community Shopping and Commercial District) District;

iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-103 for presentation to City Council;

iv) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE

The purpose of the By-law is to provide for changes in zoning from "JJ" (Restricted Light Industrial District) District to "HH" (Restricted Community Shopping and Commercial District) District (Block "1"), and from "KK" (Restricted Heavy Industrial District) District to "HH" (Restricted Community Shopping and Commercial District) District (Block "2"), for property at the rear of No. 315 Centennial Parkway North, as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to establish uniform zoning on the property and permit, in addition to the existing gas bar use, a retail strip plaza.

A.L. Georgieff, M.C.I.P.
Director of Local Planning

J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

Proposal

It is the applicants intention to establish uniform zoning of lands municipally known as No. 315 Centennial Parkway North in order to permit the comprehensive development of the site, including the existing gas bar, with a retail strip plaza (see APPENDIX "B" attached).

APPLICANT

Select Site Properties Ltd., owner.

LOT SIZE AND AREA

Rear part of lands at No. 315 Centennial Parkway North having:

- 15.24 m (50.0 ft.) of frontage on Arrowsmith Road; and
- a depth of approximately 57.9 m (190.0 ft.);
- a lot area of approximately 882.55 m^2 (9,500 sq.ft.).

LAND USE AND ZONING

	Existing Land Use	Existing Zoning
Subject Lands	vacant	"JJ" (Restricted Light Industrial District) District and "KK" (Restricted Heavy Industrial District) District
Surrounding Lands		
to the north	industrial	"KK" (Restricted Heavy Industrial District) District
to the south	gas bar	"HH" (Restricted Community Shopping and Commercial District) District
to the east	commercial	"HH" (Restricted Community Shopping and Commercial District) District modified
to the west	vacant	"JJ" (Restricted Light Industrial District) District and "KK" (Restricted Heavy Industrial District) District

OFFICIAL PLAN

Designated "COMMERCIAL" on Schedule "A" - the Land Use Concept Plan of the Official Plan and subject to, among others, the following policies:

"A.2.2.1 The primary uses permitted in the areas exceeding .4 hectare designated on Schedule "A" as COMMERCIAL will be for Commerce.

A.2.2.14 The EXTENDED COMMERCIAL category applies to existing stretches of individually managed commercial establishments located along Arterial Roads, serving both pedestrian and automobile borne trade. It includes:

ii) Larger scaled "Highway" commercial uses on deep lots, reliant on location readily accessible to private vehicles specifically coming to, and parking on, the premises to do business.

A.2.2.19 Development within EXTENDED COMMERCIAL areas will be through infilling and redevelopment in order to consolidate the viability of these areas and to restrict their indiscriminate extension into stable areas of the non-commercial uses. Such development will only be permitted where traffic and/or parking problems will not be created and subject to the approval of the Region.

A.2.2.22 Council will endeavour to maintain or improve the visual amenity and general attraction of EXTENDED COMMERCIAL areas and in so doing, will:

iii) Regulate building setbacks to develop and maintain continuity and harmony with adjacent Commercial Uses; and,

iv) Consider the increase in building setbacks where substantial redevelopment is proposed, to permit wider sidewalks, appropriate landscaping and street furniture to encourage pedestrian movement and improve the shopping environment.

A.2.2.23 Off-street parking and loading will be required within predominantly Highway Commercial areas, and will be provided by the developers or owners of commercial development.

A.2.2.33 COMMERCIAL establishments or centres that are proposed adjacent to existing COMMERCIAL USES will be encouraged to integrate the design and dimensions of structures, parking areas and access points with those of adjacent uses."

The proposal complies with the intent of the Official Plan.

NEIGHBOURHOOD PLAN

A Neighbourhood Plan is not available for the Nashdale Neighbourhood.

GATEWAY EAST STUDY

The subject lands are designated "Extended/Highway Commercial Uses" within the Land Use Concept. Uses to be encouraged here include commercial uses "such as theatres, fitness clubs, car/truck rentals and other uses which would support this area for tourists. In addition, the site is within the Green Commercial Transition area in the design concept for the Gateway East Study. This means that site design , landscaping and building facades should reinforce this areas importance as a "Gateway".

COMMENTS RECEIVED

- The Building Department,Traffic Department, Hamilton Region Conservation Authority and the Hamilton-Wentworth Regional Police Department have no comments or objections.

- The Hamilton-Wentworth Engineering Department has advised that:

  "Public watermains as well as separate storm and sanitary sewers are available to service the subject lands."

COMMENTS

1. The proposal complies with the intent of the Official Plan.

2. The proposal has merit and can be supported for the following reasons:

   - it represents only a minor extension (approx. 50 ft.) to the depth of the "HH" (Restricted Community Shopping and Commercial) District established on the larger (1.0 ac.) front portion of the site currently occupied by a gas bar, thereby providing uniform zoning on the lands;

   - it would implement the intent of the Gateway East Study which designates this site for "Extended/Highway Commercial Uses" within the Land Use Concept and encourages commercial uses which would support this area for tourists;

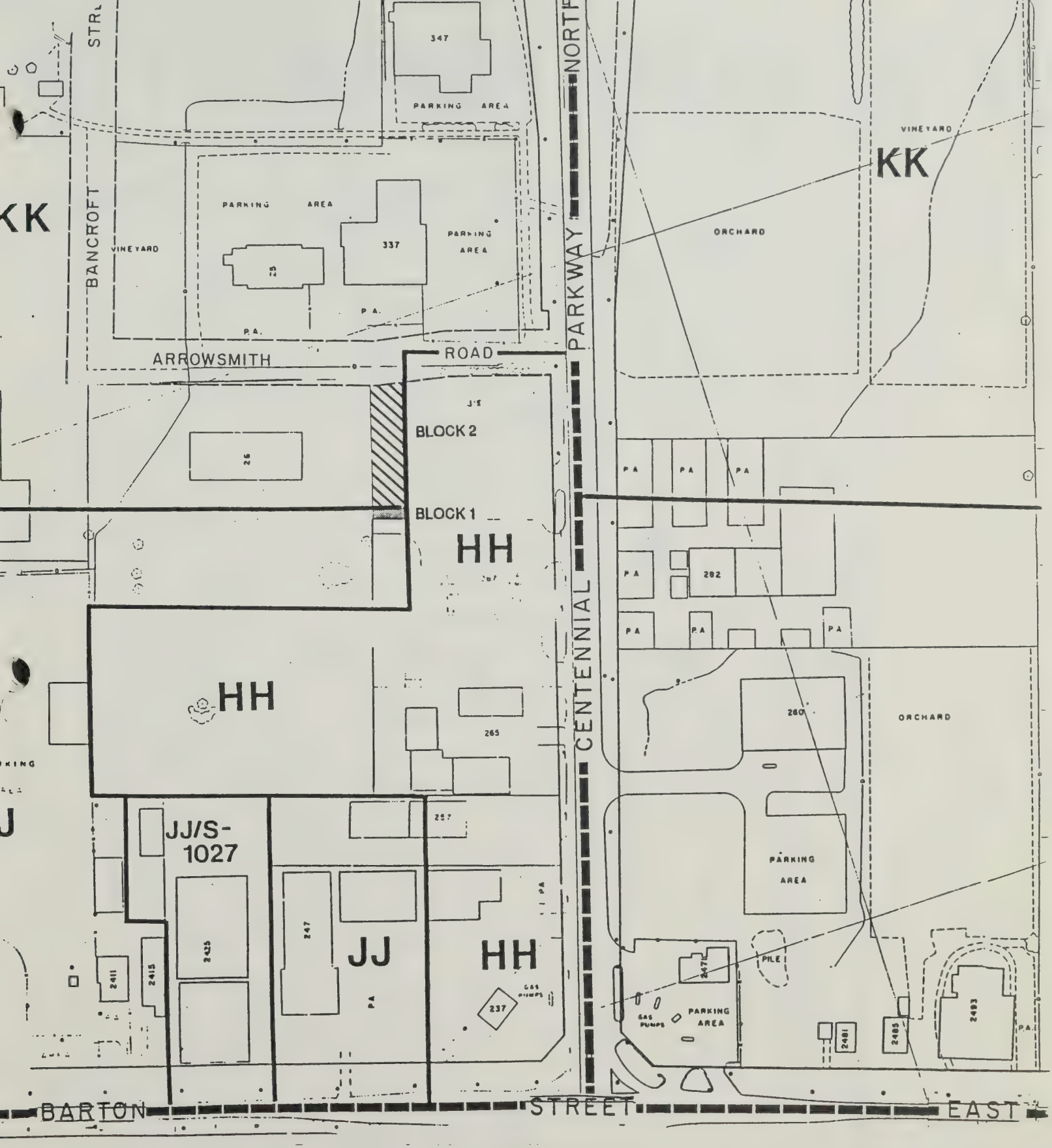
   - it would be compatible with existing and proposed industrial/commercial development in this area.

3. The requested "HH" (Restricted Community Shopping and Commercial) District is subject to Site Plan Control By-law 79-275 as amended by By-law 87-223. In this regard, matters such as parking, loading, landscaping, grading, access, etc. can be further reviewed at the site plan approval stage of development.

CONCLUSION

On the basis of the foregoing, the application can be supported.

GAW/ma
WPZA9037



Legend

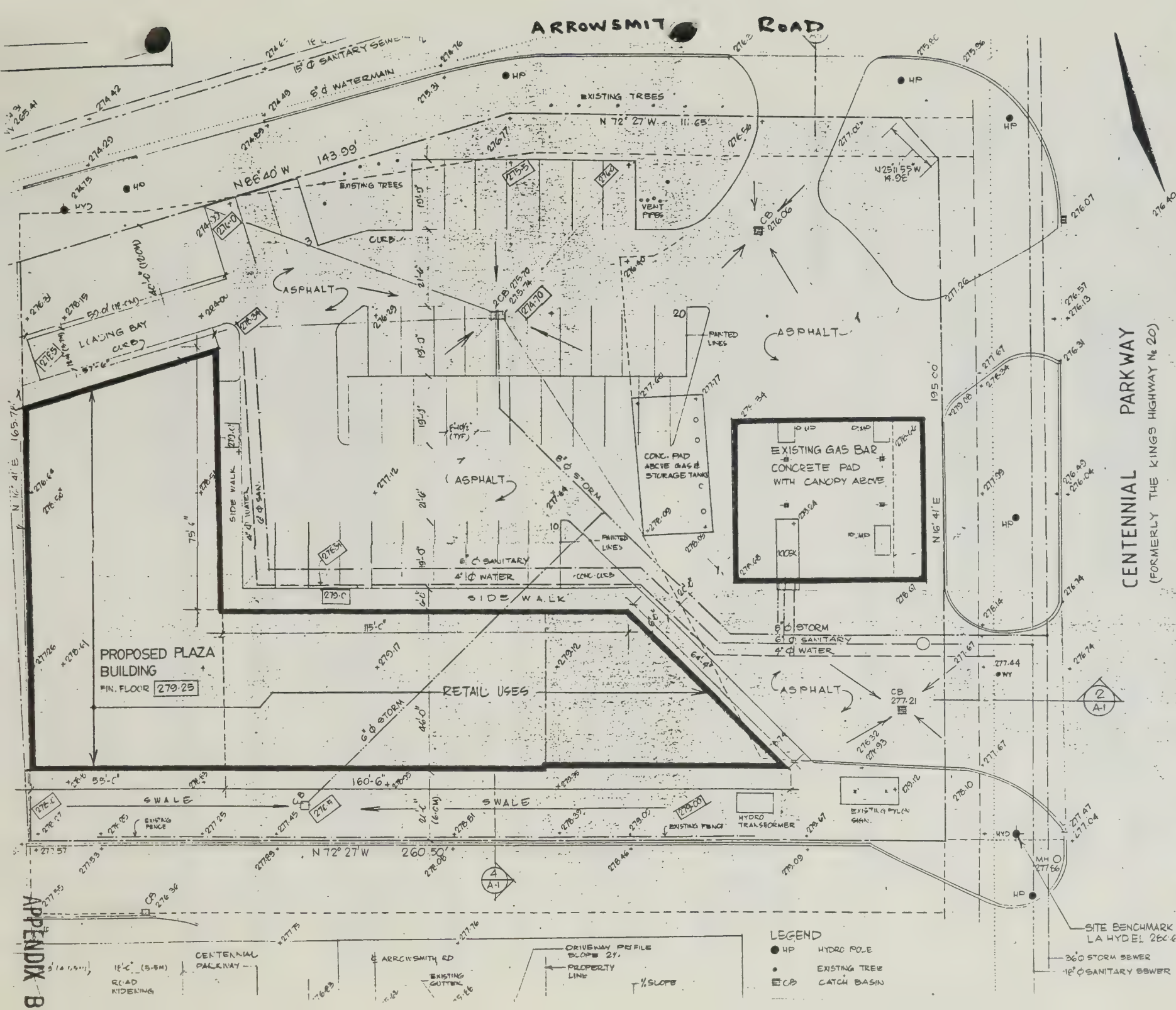
Proposed change in zoning from:

BLOCK 1 — "JJ" (Restricted Light Industrial District) District to "HH" (Restricted Community Shopping and Commercial District) District.

BLOCK 2 — "KK" (Restricted Heavy Industrial District) District to "HH" (Restricted Community Shopping and Commercial District) District.

ZA-90-37

APPENDIX A



TO MAINTAIN TO THE
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LOADING AREAS AND

DATED THIS _____

_____
WITNESS (signature)

_____
WITNESS (print)

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ADDRESS OF WITNESS

NOTES ON SITE PLAN

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AND AT THE EXPENSE
3. MAIN DRIVEWAY DIME
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5. THE APPROVAL OF TI
BONDED CONTRACTC
VARIOUS PERMITS
CONSTRUCTION PRO
FOLLOWING:
- ROAD CUT PERMITS
- APPROACH APPROV
- COMMITTEE OF ADJ
- ENCROACHMENT AC

NOTES ON GRADING PL

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APPROVAL OF THE CC
2. ALL DRIVEWAYS FROM
WITHIN 5% MAXIMUM
BE WITHIN 10% MAXI
3. THE APPROVAL OF TI
BONDED CONTRACTC
VARIOUS PERMITS
CONSTRUCTION PRO
FOLLOWING:
- ROAD CUT PERMITS
- APPROACH APPROV
- COMMITTEE OF ADJ
- ENCROACHMENT AC

NOTES ON ELEVATION PL

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BUILDING MATERIALS
LAYOUT, AND ARE SH

DETAILS OF DEVELOPMEI

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BUILDING COVERAGE (max.)
GROSS FLOOR AREA (max.)
BUILDING HEIGHT (max.)
(max.)
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NO. OF LOADING SPACES (mir
LANDSCAPED AREA (min.)

NOTE:

- ELEVATIONS TAKEN AT
- ELEVATIONS TAKEN F
SURVEY - Y 21817, 24

15a

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: June 5, 1990
COMM. FILE:
DEPT. FILE: ZA-89-111
Falkirk East
Neighbourhood

FROM: J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT

Request for a change in zoning - part of land municipally known as No. 991 Upper Paradise Road.

RECOMMENDATION

1. That amended Zoning Application 89-111, Yaser Sharif, owner, requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District modified, to permit a day nursery for up to ninety-five children, for part of property municipally known as No. 991 Upper Paradise Road, shown as Block "2" on the attached map marked as APPENDIX "A", be **DENIED** for the following reasons:

   i) it is an overintensification of land use, in that the requested capacity of the day nursery (ninety-five children) is approximately four times that which is permitted under the existing and future proposed land use controls respecting day nurseries in the "C" (Urban Protected Residential, etc.) District (i.e. twenty-five children);

   ii) the requested size (ninety-five children) of the proposed day nursery would be incompatible with the surrounding land use; and,

   iii) the Ministry of Community and Social Services has advised that this area of the West Mountain is currently well served by day nurseries.

2. That approval be given to amended Zoning Application 89-111, Yaser Sharif, owner, requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for part of property municipally known as No. 991 Upper Paradise Road, shown as Block "2" on the attached map marked as APPENDIX "B", on the following basis:

   i) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;

   ii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps W-27C and W-27D for presentation to City Council; and,

iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

3. That Schedule "B" to By-law No. 79-275, as amended by By-law No. 87-223, respecting Site Plan Control, be further amended by adding the lands described as Block "2" on APPENDIX "B", and that Site Plan Control shall apply only to a day nursery.

EXPLANATORY NOTE

The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, for part of property municipally known as No. 991 Upper Paradise Road, shown as Block "2" on the attached key map.

The effect of the By-law is to permit development of Block "2" for a day nursery for up to twenty-five children.

A.L. Georgieff, M.C.I.P.
Director of Local Planning

J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

The applicant is proposing to develop a day nursery for up to ninety-five children on the lands described as Block "2" (see APPENDIX "A").

This proposal was submitted as part of an application for a plan of subdivision and rezoning of Blocks "1" and "2" from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District and "C" (Urban Protected Residential, etc.) District modified. The rezoning and subdivision applications were heard by the Planning and Development Committee at its meeting of April 18, 1990, at which time the rezoning of Block "1" and the draft plan of subdivision were approved. The proposal for rezoning of Block "2" for development as a day nursery was tabled in order for a meeting to be held with the applicant, the Ward Alderman, representatives of the Ministry of Community and Social Services, Regional Social Services, and the Planning and Development Department. The purpose of the meeting was to attempt to determine a size of the day nursery that would be acceptable to all parties.

The meeting was held on May 10, 1990 and the solicitor for Paradise Corner Day Care Center was also in attendance. No solution was reached between the parties and the application for rezoning of Block "2" is being resubmitted to the Planning and Development Committee for consideration.

APPLICANT

Yaser Sharif, owner.

LOT SIZE AND AREA

The subject property has:

- 31.434 m (103.13 feet) of lot frontage on Upper Paradise Road;
- 49.064 m (160.97 feet) of lot depth; and,
- 1,542.28 m^2 (16,601.5 square feet) of lot area.

LAND USE AND ZONING

	Existing Land Use	Existing Zoning
Subject Lands	vacant	"AA" (Agricultural) District
Surrounding Lands		
to the north	single-family dwellings	"C" (Urban Protected Residential, etc.) District
to the south	single-family dwelling	"AA" (Agricultural) District
to the west	single-family dwelling	"AA" (Agricultural) District
to the east	vacant	"AA" (Agricultural) District

OFFICIAL PLAN

Designated "RESIDENTIAL" on Schedule "A" - Land Use Concept, the proposal complies with the intent of the Official Plan.

NEIGHBOURHOOD PLAN

Designated "SINGLE AND DOUBLE RESIDENTIAL", the proposal complies with the intent of the approved Falkirk East Neighbourhood Plan.

COMMENTS RECEIVED

- The following agency has no objection:

  - Hamilton Region Conservation Authority.

- The Building Department has advised that:

  "A day nursery shall conform to Section 9(1)(iii) of By-law 6593."

- The Traffic Department has advised that:

  "We have reviewed this application and find it satisfactory provided that Block 39 is placed under Site Plan Control. This will ensure that adequate access and parking facilities are provided. We suggest that the proposed day care centre (Block 39) have access from Sharif Drive."

- The Hamilton-Wentworth Social Services Department has advised that:

  "In reference to the above amended Zoning Application, there does not seem to be any problem as far as our Division is concerned.

  I might add, however, that in any Day Care Centre there should be sufficient parking space allotted for the clients for delivery and pickup of their children.

  Secondly, the area must be fenced in; however, this is a requirement which does not necessarily need any additional space."

- The Ministry of Community and Social Services has advised that:

  "The site proposed by the applicant, Mr. Sharif, is in close proximity to several established day care centres. Within a three mile radius there are five full-day centres which have a total licensed capacity of five hundred and twenty-four children. There are also two half-day nursery school programs in the same radius.

  In addition to the established centres referred to above, there are two new day care centres in the vicinity which are well advanced in their planning stages. One of these will be in the new elementary school, Saint Vincent de Paul, which has recently been opened by the Hamilton-Wentworth Roman

Catholic School Board on Greencedar Drive. It is to be licensed for thirty-two children. The second will be in a new secondary school to be established by the same Board on a property adjacent to that for which the zoning amendment has been requested. It is expected that the licensed capacity of this day care centre will be forty-eight.

Because the West Mountain of Hamilton is being well served by the child care community, we are concerned that Mr. Sharif's proposed large operation may have difficulty in attracting families and as a result, experience some financial difficulties.

Should Mr. Sharif's request for a zoning amendment be granted and should he proceed with his plans to establish a day care centre, it will be necessary for him to meet the requirements of The Day Nurseries Act."

o The Hamilton-Wentworth Engineering Department has advised that:

"According to our records, the Region previously acquired the required road widenings on Upper Paradise Road. All other comments will be handled through the Plan of Subdivision."

COMMENTS

1. The proposal complies with the intent of the Official Plan.

2. The proposal complies with the intent of the approved Falkirk East Neighbourhood Plan.

3. The proposal to rezone Block "2" from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District modified to permit a day nursery for a maximum of ninety-five children cannot be supported for the following reasons:

   i) the forthcoming Day Nurseries By-law will permit a maximum of twenty-five children in the "C" (Urban Protected Residential, etc.) District. The current provisions of the "C" District permit a day nursery for twenty-five children or one child per 5.5 m^2 of outside play area, whichever is less. In this respect, the maximum number of children permitted in a day nursery in this zoning district, under the current and proposed future policy, is twenty-five. The report respecting the review of Day Nurseries clearly states that a day nursery of a size greater than twenty-five children can create substantial noise and traffic problems in a low density residential area. This figure was chosen as a solution to the operational viability of a day nursery and the potential impacts (traffic, noise, and parking) that increases in size would generate. As the proposed day nursery is for ninety-five children (approximately four times that which is permitted in the "C" District) and will be immediately adjacent to low density residential development, the size conflicts with the intent of the adopted policy of Council as well as current and forthcoming land use controls respecting day nurseries. Further, a day nursery for 95 children would be an overintensification of land use and would be incompatible with the surrounding uses; and,

ii) there are a number of day nurseries in this area (see APPENDIX "C"). The Ministry of Community and Social Services has advised that there are five day nurseries and two half-day nursery programs currently operating in this area. These programs have a licensed capacity of 524 children. There are also two planned day nurseries in this are with a combined capacity of 80 children. The West Mountain is currently well served by Day Nurseries.

4. An amended proposal to rezone Block "2" to "C" (Urban Protected Residential, etc.) District to permit a day nursery for up to twenty-five children has merit and can be supported for the following reasons:

i) it implements the intent of the Official Plan and the approved Falkirk East Neighbourhood Plan;

ii) the requested zoning would be appropriate for the lands given the previously approved change in zoning for Block "1"; and,

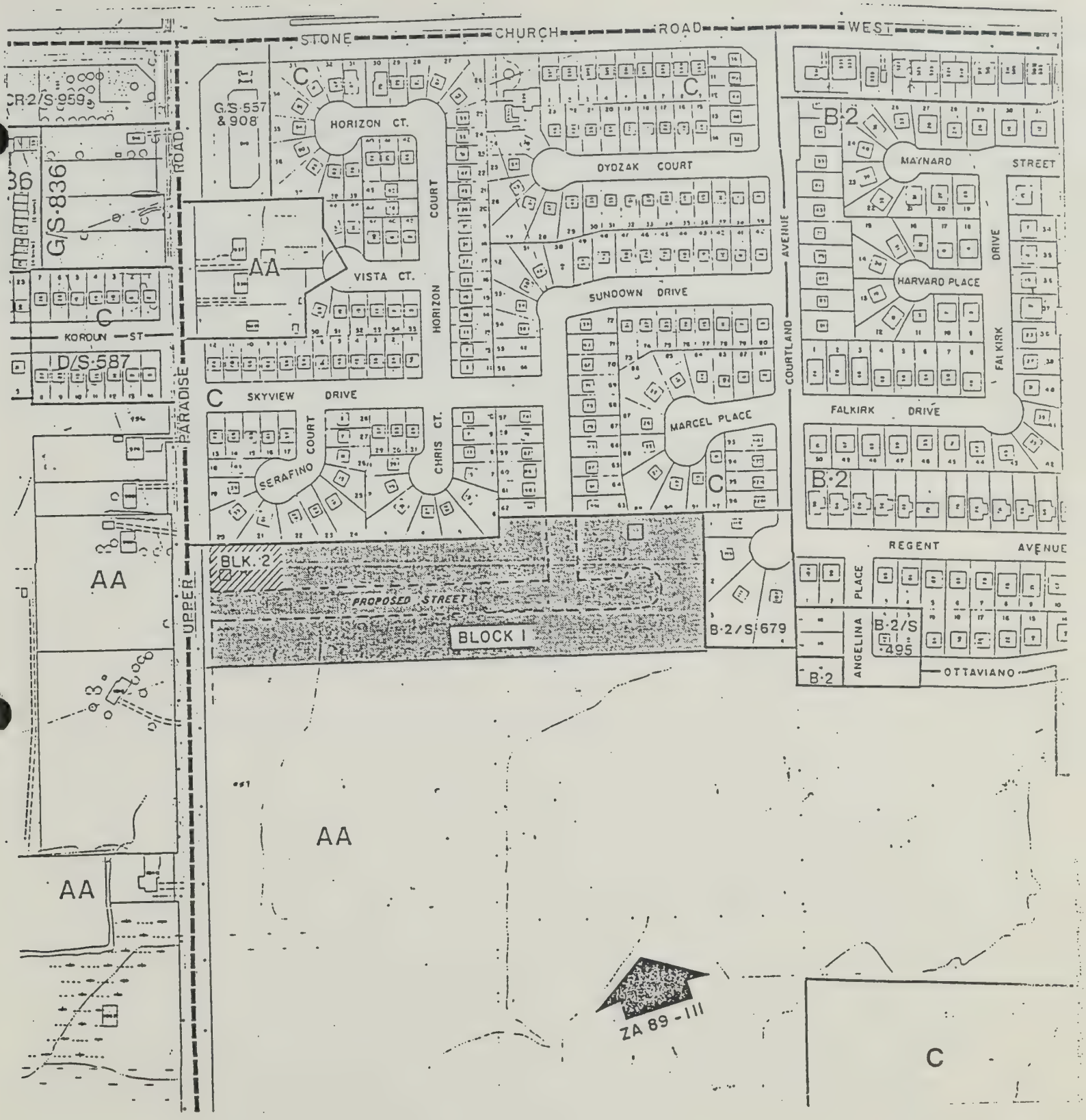
iii) a day nursery for a maximum of twenty-five children would be consistent with the existing and future proposed zoning regulations regarding day nurseries in the "C" District. In addition, the proposed day nursery would be located at the periphery of the proposed development (adjacent to Upper Paradise Road) which would allow easier access to the day nursery for parents and would not impede traffic flow in the interior of the neighbourhood.

5. The forthcoming Day Nurseries By-law recommends that all new day nursery developments be placed under Site Plan Control in order that matters such as access, fencing, and landscaping may be addressed. Accordingly, the subject lands should be placed under Site Plan Control.

CONCLUSION

Based on the foregoing, the amended application can be supported.

MLT/ma
WPZA89111



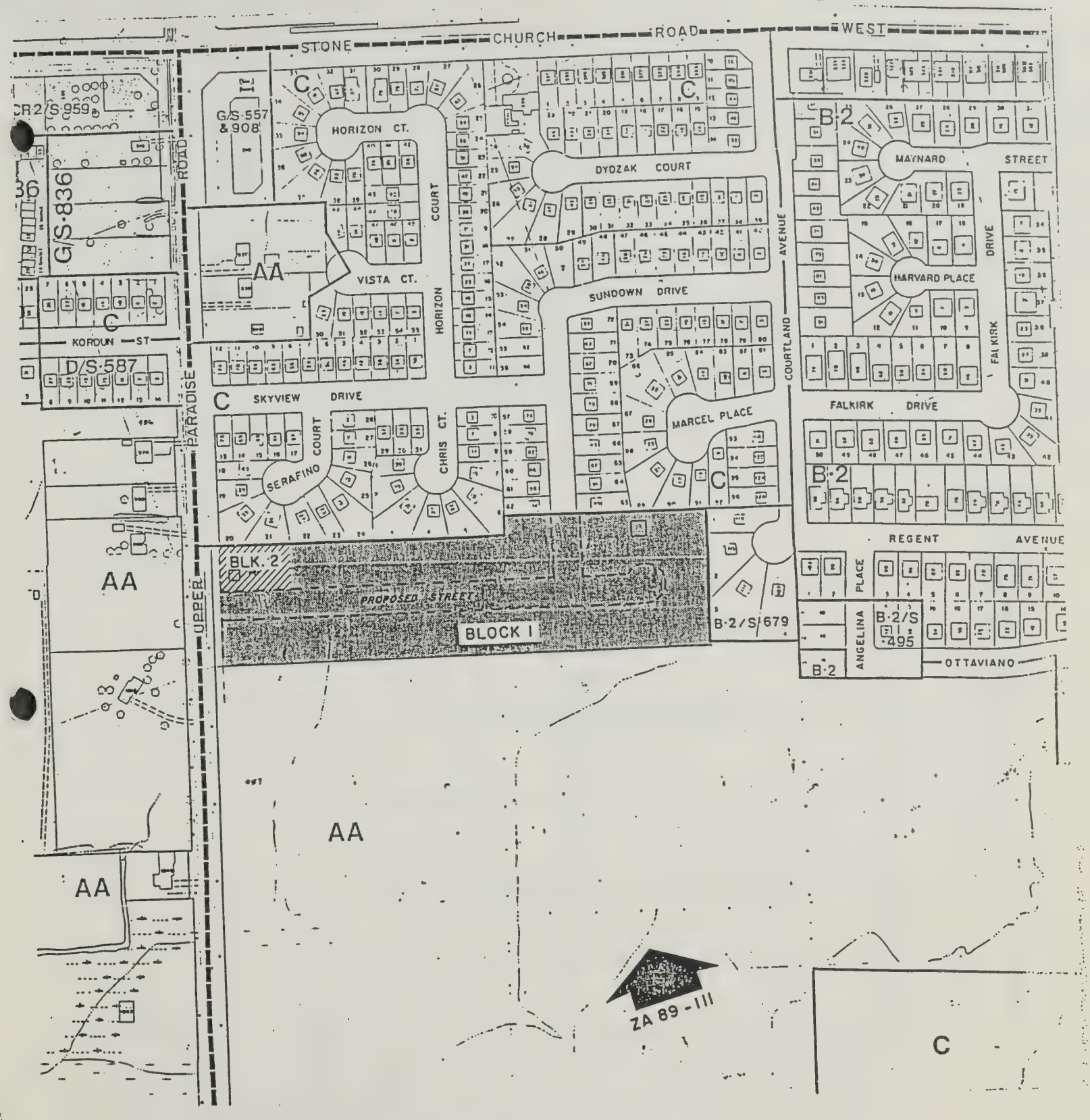
LEGEND

PROPOSED CHANGE IN ZONING FROM "AA" (AGRICULTURAL) DISTRICT TO

BLOCK 1 — "C" (URBAN PROTECTED RESIDENTIAL, ETC.) DISTRICT.

BLOCK 2 — "C" (URBAN PROTECTED RESIDENTIAL, ETC.) DISTRICT, MODIFIED.

APPENDIX A



LEGEND

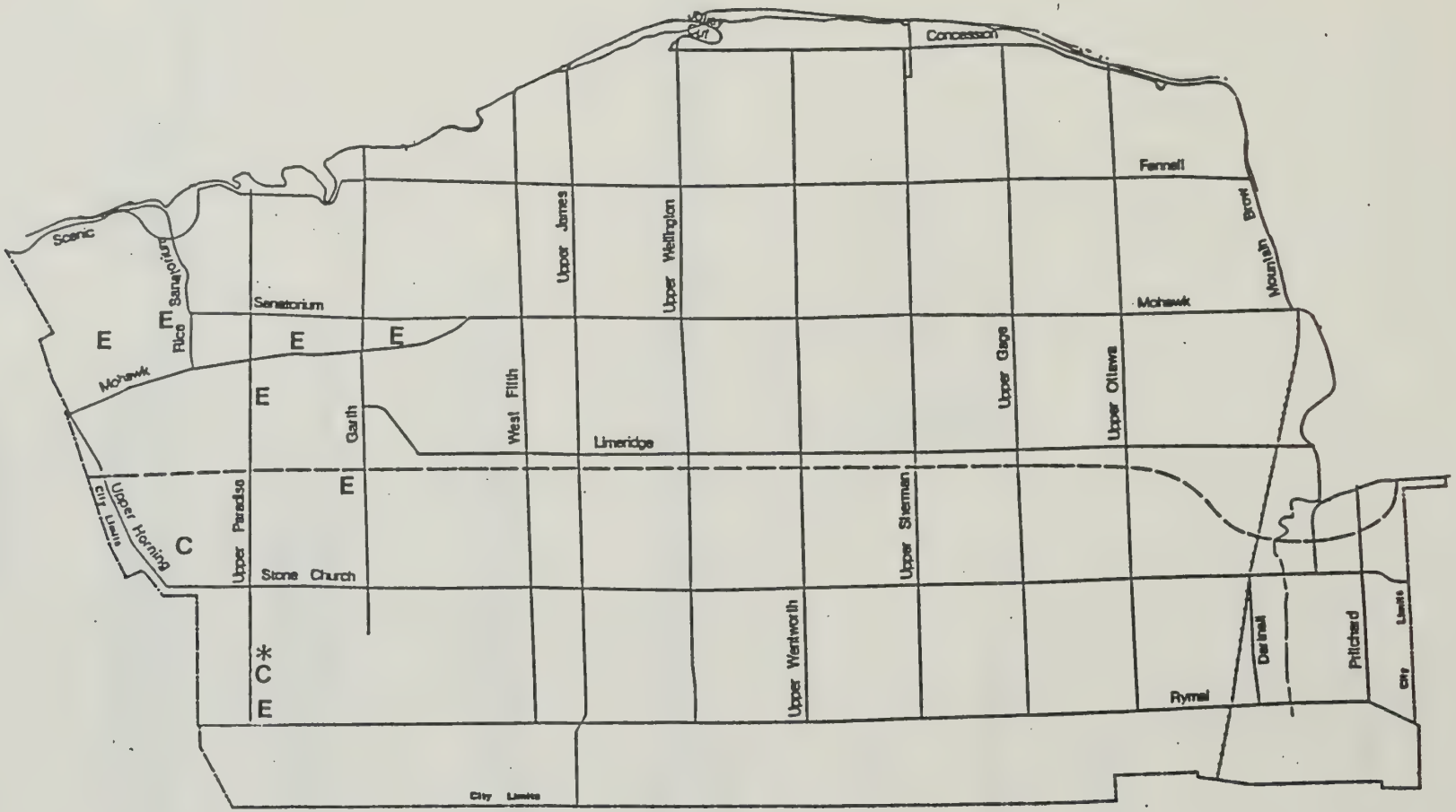
PROPOSED CHANGE IN ZONING FROM "AA" (AGRICULTURAL) DISTRICT TO

BLOCK 1 — "C" (URBAN PROTECTED RESIDENTIAL, ETC.) DISTRICT.

BLOCK 2 — "C" (URBAN PROTECTED RESIDENTIAL, ETC.) DISTRICT

APPENDIX B

EXISTING AND PROPOSED DAY NURSERIES
WEST MOUNTAIN



LEGEND

* Site of the Application

E Existing Day Nursery

C Day Nursery Under Construction

ZA 89-111

15b.

FOR ACTION

REPORT TO: SUSAN K. REEDER,SECRETARY OF THE PLANNING AND DEVELOPMENT COMMITTEE

DATE: June 5, 1990
COMM FILE:
DEPT. FILE: 25T-89037

FROM; J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT:

Request by Mr. Yaser Sharif for Amendment to Conditions (a) and (j) of the Proposed Plan of Subdivision (Sharif Estates).

RECOMMENDATION:

That the previous conditions, as recommend by the City of Hamilton Council for approval on April 24, 1990 approving Section 8 of the Ninth Report for 1990 of the Planning and Development Committee (Appendix "A") be confirmed.

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

A. L. Georgieff, M.C.I.P.
Director
Local Planning

FINANCIAL IMPLICATIONS:

N/A

BACKGROUND:

Owner:

Yaser Sharif, Hamilton, Ontario.

Surveyor:

Guido Consoli, Hamilton, Ontario.

History:

The Commissioner of Planning and Development, in accordance with Regional By-law No. R89-171, gave tentative draft approval to this proposed plan of Subdivision and the owner was advised as required, (Appendix "B"). Mr. Y. Sharif did not make any request at the City Planning and Development Committee meeting when this Subdivision and a corresponding Rezoning Application was considered.

Mr. Sharif on May 29, 1990 advised that he wishes to have conditions a) and j) of the draft approval reviewed by the City of Hamilton Council (Appendix "B"). Condition a) deals with the description of the plan and includes a revision from a 3.0 wide walkway to a 9.0 wide walkway (Block "40"). Condition j), the radius transition of 9.0 m abutting the bulb of the cul-de-sac, is a standard requirement of the Regional Department of Engineering which accommodates a better design for utilities and other services.

Comments:

It is the opinion of the Planning and Development Department that the 9.0 m width of the walkway (Block "40") would provide for a better access to the Separate School Site than the 3.0 m width as proposed by the owner.

Prior to this proposed plan access to the Separate School site was shown by a full width road of 20.12 m (66 feet) in the Falkirk East Neighbourhood Plan.

The radius transition at the bulb of the cul-de-sac is an engineering standard requirement and provides for utilities and other services.

JLS:dc
Attach.

89037

APPENDIX "A"

Corporation of the City of Hamilton

Memorandum

****

REGIONAL PLANNING BRANCH
SUBDIVISION CONDOMINIUM ADMINISTRATION SECTION
FILE NO. 25T-89037
DATE REC'VED MAY 01 1990

TO:	INT.	ACT.	INFO.
DIRECTOR/ DIV. HEAD			
MANAGER			
STAFF			

TO: Mr. J. D. Thoms
Commissioner of Planning
and Development

YOUR FILE:

FROM: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

OUR FILE:
PHONE:

SUBJECT: **Subdivision Application 89-26, on the east side of Upper Paradise Road south of Skyview Drive.**

DATE: 1990 April 26

Please be advised that Hamilton City Council at its meeting held Tuesday, 1990 April 24th approved Section 8 of the NINTH Report for 1990 of the Planning and Development Committee as follows:

8. (a) That approval be given to Subdivision Application 89-26, Yaser Sharif, owner, to establish a draft plan of subdivision on the east side of Upper Paradise Road south of Skyview Drive, subject to the following conditions:

(i) That approval apply to the plan prepared by Guido Consoli Surveying Ltd., dated 1989 October 20, revised to show 38 lots, Block "39" for a day care centre and a 9.0m wide walkway, Block "40".

(ii) That the streets be dedicated to the City of Hamilton as public highway on the final plan.

(iii) That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.

(iv) That the final plan conform to the zoning by-law approved under The Planning Act.

(v) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.

(vi) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block in the final plan.

(vii) That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the final plan to the City of Hamilton for park purposes.

Continued ....

(viii) That the owner landscape the 9.0m wide walkway (Block "40") to the satisfaction of the City of Hamilton.

(ix) That this plan not be registered until the construction of storm and sanitary sewer services for Upper Paradise Road have been approved.

(x) That the radius transition which abuts the cul-de-sac bulb be changed from 4.5m to 9.0m.

(xi) That the street align with the existing street to the north.

(xii) That the owner shall erect a sign in accordance with Section XI of the subsequent Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.

(xiii) That the owner agree in writing to satisfy all the requirements, financial and otherwise of the City of Hamilton.

(b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (SA-89-26), Yaser Sharif, owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

Would you please ensure that the appropriate action is taken with respect to this matter.

Susan K. Reader

c.c.'s. - Mr. J. D. Thoms, Commissioner of Planning and Development
Attention: Mr. J. Schwarz
- Ms. Patrice Noé Johnson, City Solicitor
Attention: Ms. L. Lawrence
- Mr. T. Gill, Acting Regional Engineering Commissioner
Attention: Mr. K. Brenner
- Mr. L. King, Building Commissioner
Attention: Mrs. Zelte Race
- Mr. D. W. Vyce, Director of Property
- Mr. M. Main, Director of Traffic Services

SCHEDULE I

As authorized by By-law No. R89-171, I, J. D. Thoms, hereby approve draft plan of subdivision, "Sharif Estates", Yaser Sharif, owner, in the City of Hamilton under Regional File No. 25T-89037, subject to conditions a) to q):

a) That this approval apply to the plan prepared by Guido Consoli Surveying Ltd., dated October 20, 1989, revised to show 38 lots, Block "39" for a day care centre and a 9.0m wide walkway, Block "40".

b) That the streets be dedicated as public highways and the walkway be dedicated as public walkway to the City of Hamilton on the final plan.

c) That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.

d) That the final plan conform to the zoning by-law approved under The Planning Act.

e) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.

f) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block in the final plan.

g) That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the final plan to the City of Hamilton for park purposes.

h) That the owner landscape the 9.0m wide walkway (Block "40") to the satisfaction of the City of Hamilton.

i) That this plan not be registered until the construction of storm and sanitary sewer services for Upper Paradise Road have been approved.

j) That the radius transition which abuts the cul-de-sac bulb be changed from 4.5m to 9.0m.

k) That the street align with the existing street to the north.

l) That the owner shall erect a sign in accordance with Section XI of the subsequent Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.

m) That the owner agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.

n) That the following conditions be included in the Area Municipality Subdivision Agreement.

ii) The builder shall install double glazed windows on all dwelling units on Lot 1 and Block "39" inclusive. Both glazing shall be of a minimum 24 oz. weight glass with a minimum separation between the panes of one inch or other construction achieving the equivalent or improved acoustical performance. All windows and sliding doors shall be well fitted and weather stripped.

iii) The subdivision agreement shall require that the following clause be registered on title of each dwelling unit on Lot 1 and Block "39" inclusive and be included in the agreement of purchase and sales:

"Purchasers are advised that noise control measures have been included in this development, however, due to the increase in traffic volume noise levels on this property may occasionally interfere with some activities of the occupant. Provisions have been made within the individual dwelling units for an owner-installed central air conditioning or equivalent mechanical ventilation system so that windows may be closed at the discretion of the occupant in order to achieve a suitable indoor noise environment. Air cooled condenser units for central air conditioning systems shall be located in a noise insensitive area."

o) That the owner shall carry out an archaeological survey and rescue excavation of any significant archaeological remains found on the site, to the satisfaction of the Southwestern Regional Archaeologist of The Ministry of Culture and Communications; and that no grading or other soil disturbance shall take place on the subject property prior to the letter of release from the Ministry of Culture and Communications.

p) That prior to the signing of the final plan, the Region be advised by:

i) the City of Hamilton that conditions a) to m) inclusive;

ii) the Ministry of the Environment that condition n);

iii) the Ministry of Culture and Communications that condition o);

have/has been carried out to their satisfaction with a brief but complete statement indicating how each condition has been satisfied.

q) That the owner agree in writing to satisfy all requirements, financial and otherwise, of the Regional Municipality of Hamilton-Wentworth.

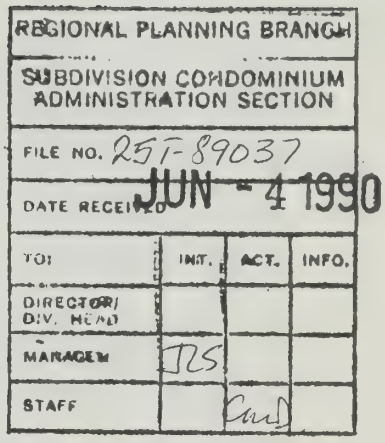
Signed _____ May 4/90

J. D. Thoms, M.C.I.P.
Commissioner of Planning
and Development

Date

APPENDIX "C"

Mr. Yaser Sharif
991 Upper Paradise Road
Hamilton, Ontario
L9G 3K9



May 29 1990

The Regional Municipality of Hamilton-Wentworth
Planning and Development Department
119 King Street West, 14th Floor
P.O. Box 910
Hamilton, Ontario
L8N 3V9

Re: File No. 25T-89037

Attention: J.D.Thoms, Commissioner
Planning and Development Dept.

Dear Sir

RE: File No. 25T-89037
Subdivision Name: Sharif Estates
Owner: Yaser Sharif
Surveyor: Guido Consoll Surveying Limited
Location: Part Lot 20, Concession 8
(Barton) City of Hamilton

Please accept this letter as my request as specified in Section 7 of By-Law R89-171 to be reviewed by City of Hamilton Council regarding the above mentioned File No. 25T-89037.

The conditions that I request to be reviewed are Items A and J of Schedule 1 attached.

Yours truly

Y. Sharif

Yaser Sharif

YS:mv
Encl.



Location Plan For

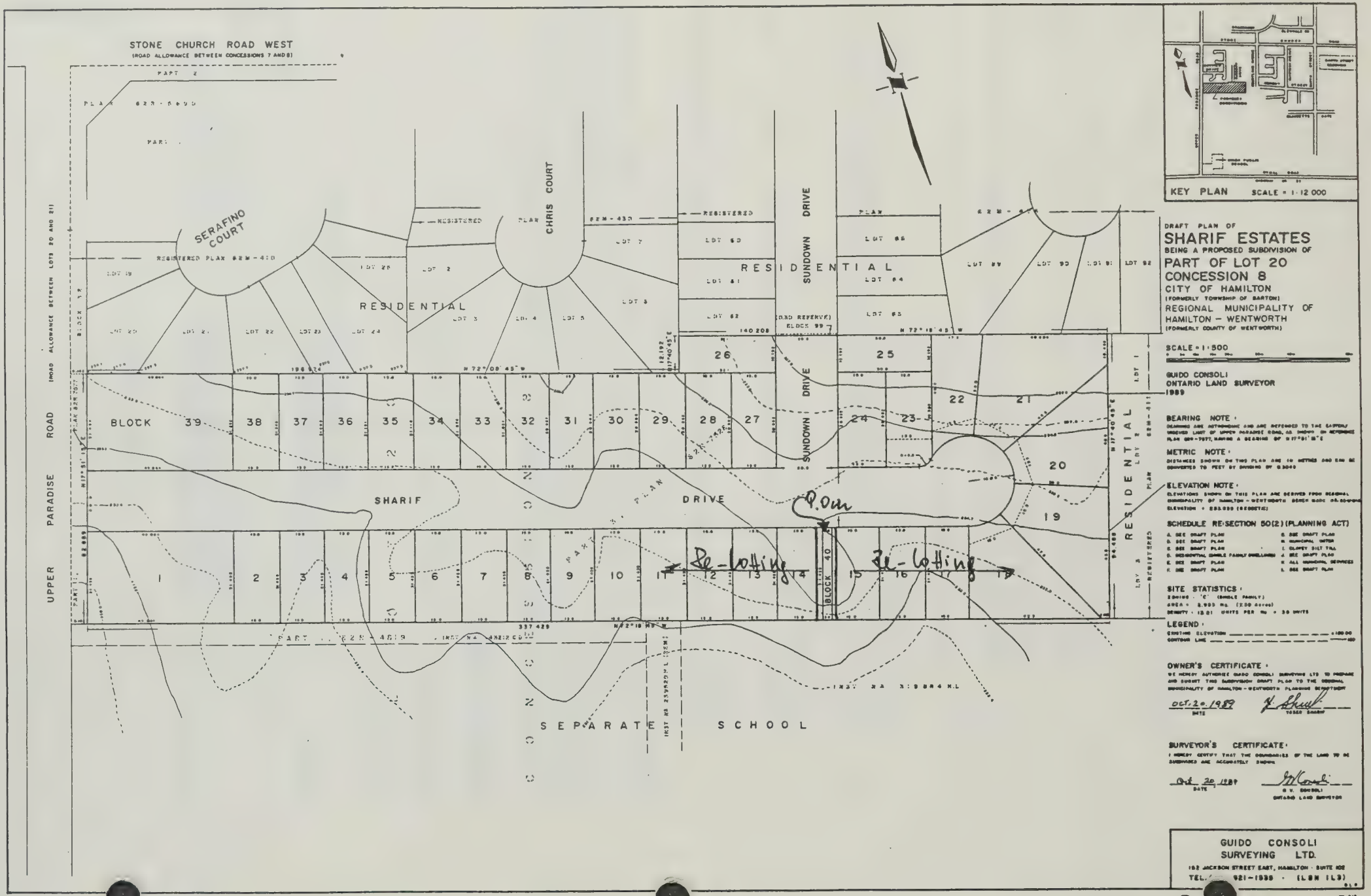
SHARIF ESTATES

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

PROPOSED SUBDIVISION

North	Scale	Reference File No.
	N.T.S.	25T-89037
	Date	Drawing No.
	NOV. 13, 1989	


STONE CHURCH ROAD WEST
(ROAD ALLOWANCE BETWEEN CONCESSIONS 7 AND 8)
UPPER PARADISE ROAD (ROAD ALLOWANCE BETWEEN LOTS 20 AND 21)
SERAFINO COURT
CHRIS COURT
SUNDOWN DRIVE
SHARIF DRIVE
RESIDENTIAL
SEPARATE SCHOOL
BLOCK 39
BLOCK 40
Re-lotting
Re-lotting
P.O.S.
KEY PLAN SCALE = 1:12 000
DRAFT PLAN OF
SHARIF ESTATES
BEING A PROPOSED SUBDIVISION OF
PART OF LOT 20
CONCESSION 8
CITY OF HAMILTON
(FORMERLY TOWNSHIP OF BARTON)
REGIONAL MUNICIPALITY OF
HAMILTON – WENTWORTH
(FORMERLY COUNTY OF WENTWORTH)
SCALE = 1:500
GUIDO CONSOLI
ONTARIO LAND SURVEYOR
1989
BEARING NOTE:
METRIC NOTE:
ELEVATION NOTE:
SCHEDULE RE: SECTION 50(2) (PLANNING ACT)
SITE STATISTICS:
LEGEND:
OWNER'S CERTIFICATE:
SURVEYOR'S CERTIFICATE:
GUIDO CONSOLI
SURVEYING LTD.
152 JACKSON STREET EAST, HAMILTON - SUITE 402
TEL. 521-1338 - (LBN 1L3)

25T-89037

16.

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: June 5, 1990
COMM. FILE:
DEPT. FILE: ZA-90-33
Eleanor
Neighbourhood

FROM: J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT:

Request for a change in zoning - No. 1606 Upper Gage Avenue.

RECOMMENDATION

That approval be given to Zoning Application 90-33, R. McDowell, R. Lewczuk, and P. Serrani, owners, requesting a change in zoning from "AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District for Block "1" and a change in zoning from "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse-Maisonette) District for Block "2", to permit townhouse development for property located at No. 1606 Upper Gage Avenue, as shown on the attached map marked as APPENDIX "A", on the following basis:

i) That Block "1" be rezoned from "AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District;

ii) That Block "2" be rezoned from "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse-Maisonette) District;

iii) That the "RT-20" (Townhouse-Maisonette) District regulations, as contained in Section 10E of By-law No. 6593, applicable to Blocks "1" and "2", be further modified to include the following variances as special provisions:

a) That Section 10E(2)(a)3 shall not apply;

b) That a minimum 3.0 m wide planting strip shall be provided and maintained along the northerly and westerly lot lines;

c) That a visual barrier of not less than 1.2 m and not more than 2.0 m in height shall be provided and maintained along the northerly and westerly lot lines;

iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-38D for presentation to City Council;

v) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-38D be notated S- ;

vi) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE

The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District modified for Block "1" and a change in zoning from "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse-Maisonette) District modified for Block "2", for property located at No. 1606 Upper Gage Avenue, as shown on the attached key map.

The effect of the By-law is to permit future development of the subject properties for townhouses or maisonettes. In addition, the By-law provides the following variances as a special requirement:

- no street townhouses shall be permitted;
- a minimum 3.0 m (10 foot) wide planting strip shall be provided and maintained along the northerly and westerly lot lines; and,
- a 1.2 m (4 foot) to 2.0 m (6.6 foot) high visual barrier shall be provided and maintained along the northerly and westerly lot lines.

A.L. Georgieff, M.C.I.P.
Director of Local Planning

J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

o Proposal

It is the applicants' intention to construct townhouses or maisonettes on the subject property. The existing building would be demolished.

o Zoning Application 90-16 (Nos. 1610, 1614, 1620 and 1626 Upper Gage Avenue)

City Council, at its meeting of April 24, 1990, approved a change in zoning from "AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse-Maisonette) District, for these properties. The purpose of the application was to permit the development of the subject lands for townhouses or maisonettes.

The amending By-law has not yet been submitted to City Council.

o Zoning Application 87-112 (Nos. 1610, 1614, 1620 and 1626 Upper Gage Avenue)

In 1987, the lands were subject to a rezoning application. The applicant proposed an eight storey apartment building fronting onto Upper Gage Avenue. A similar development was proposed for the adjacent lands to the southeast which front onto Rymal Road East. City Council denied both applications.

In light of these proposed developments, the Planning and Development Committee requested a review of these lands.

The applicant appealed Council's decision to the Ontario Municipal Board. The Board dismissed the appeal and, in its decision, considered the proposed development to be premature pending the completion of site plans for the lands. In addition, the Board suggested that a determination be made as to the future land uses on the remaining medium density designation.

o Neighbourhood Plan

In 1989, the Planning and Development Department undertook an extensive land use review for the north-west corner of Upper Gage Avenue and Rymal Road East. The review identified various land use options for the area.

On November 1, 1989, the Planning and Development Committee held a public meeting to discuss the land use review. The Committee approved a designation of "COMMERCIAL AND APARTMENTS" (minimum 50% residential) on Rymal Road East and "ATTACHED HOUSING" for the remainder of the study area including the subject lands (see APPENDIX "B").

APPLICANTS

Rob McDowell, Roman Lewczuk, and Peter Serrani, owners.

LOT SIZE AND AREA

- o 21.34 m (70 feet) of lot frontage on Upper Gage Avenue;
- o 83.21 m (273 feet) of lot depth; and,
- o 1,775.7 m^2 (19,110 square feet) of lot area.

LAND USE AND ZONING

	Existing Land Use	Existing Zoning
Subject Lands	single-family residence	"AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District
Surrounding Lands		
to the north	single-family residences	"C" (Urban Protected Residential, etc.) District
to the south	single-family residences	"AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District
to the west	single-family residences	"C" (Urban Protected Residential, etc.) District
to the east	single-family residences and vacant	"D" (Urban Protected Residential - One and Two - Family Dwellings, Townhouses etc.) District and "G" (Neighbourhood Shopping Centre, etc.) District

OFFICIAL PLAN

Designated "RESIDENTIAL" on Schedule "A" - Land Use Concept, the following policies are applicable:

"C.7.1 In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:

i) Provision and maintenance of adequate off-street parking;

ii) Alteration of traffic flows;

iii) Improvement and maintenance of street landscaping; and,

viii) Other similar actions or matters as Council may deem appropriate."

The proposal complies with the intent of the Official Plan.

NEIGHBOURHOOD PLAN

Designated "ATTACHED HOUSING" on the approved Eleanor Neighbourhood Plan, the proposal complies.

COMMENTS RECEIVED

o The following agencies have no comment or objection:

- Building Department;
- Hamilton Region Conservation Authority;
- Local Architectural Conservation Advisory Committee Staff; and,
- Hamilton-Wentworth Regional Police Department.

o The Traffic Department has advised that:

"We have reviewed the above-noted application and find it satisfactory subject to the restriction that no street townhouses be allowed with direct access to Upper Gage Avenue."

o To date, the Hamilton-Wentworth Engineering Department and the Building Department have not submitted any comments.

COMMENTS

1. The proposal complies with the intent of the Official Plan.

2. The proposal complies with the intent of the approved Eleanor Neighbourhood Plan.

3. The proposal has merit and can be supported for the following reasons:

i) it implements the recently approved designation in the Eleanor Neighbourhood Plan;

ii) the requested change in zoning would be appropriate for the proposed development; and,

iii) the proposed change in zoning would be consistent with the existing and planned future development in the area.

4. Given the concerns of the Traffic Department, it would be appropriate to restrict the proposed zoning to townhouse-maisonettes only. It should be noted, however, that in approving the application for the lands to the south, the Committee did not prohibit street townhouses.

5. Since there are existing single-family dwellings to the north and west of the subject lands, it would be appropriate to require a planting strip of 3.0 m (10 feet) in width and a visual barrier of between 1.2 m (4 feet) and 2.0 m (6.6 feet) in height along the northerly and westerly lot lines.

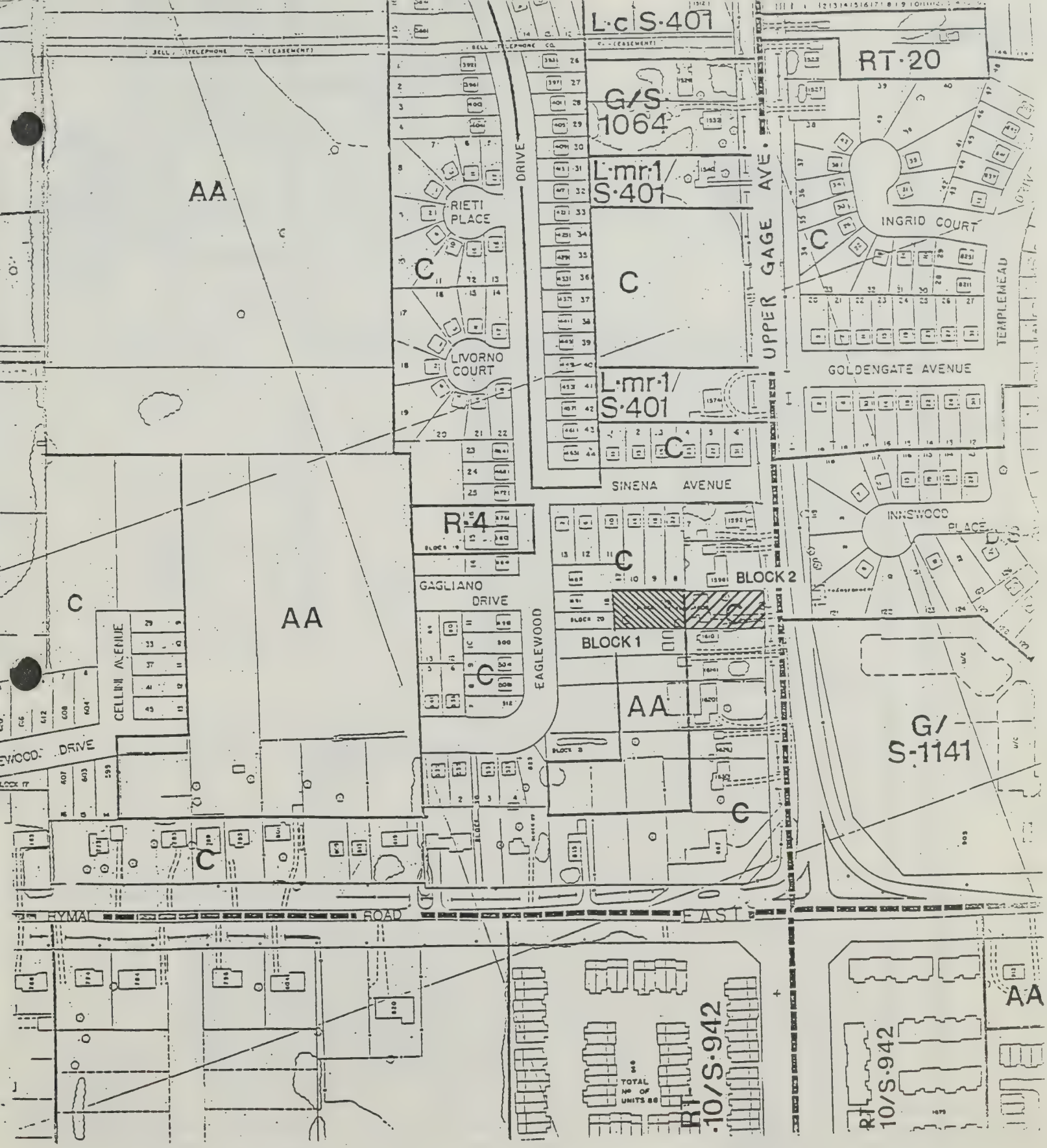
6. The "RT-20" (Townhouse-Maisonette) District is subject to Site Plan Control By-law No. 79-225, as amended by By-law No. 87-223. Concerns such as access, landscaping, and parking, etc. will be addressed at that stage of development approval.

7. An application for rezoning for Nos. 1610, 1614, and 1626 Upper Gage Avenue (ZA-90-16), to permit townhouse development, was approved by the Planning and Development Committee on April 18, 1990. It would be appropriate if these lands were to be developed jointly with No. 1606 Upper Gage Avenue and the developers should be encouraged to do this.

CONCLUSION

On the basis of the foregoing, the application can be supported.

MLT/ma
WPZA9033



Legend

Proposed change in zoning from:

BLOCK 1 — "AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District.

BLOCK 2 — "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse-Maisonette) District.

ZA-90-33

APPENDIX A 1

SINENA AVE.
GAGLIANO DR.
EAGLEWOOD DR.
UPPER GAGE AVE.
RYMAL ROAD EAST
10' Walkway
R4
C
A
710
1598
Land Use
Residential
Single and Double
Attached Housing
Planting Strip
Commercial and Apartments (Min. 50% Residential)
Land Use Review Area
Site Plan Control Boundary
Approved
Planning Comm Nov 1989
Council
Latest Map Amendment
Map 1
PROPOSED PLAN
APPENDIX B
D-24

17.

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: June 7, 1990
COMM. FILE:
DEPT. FILE: CI-90-D
Strathcona
Neighbourhood

FROM: J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT:

Request for a modification in zoning - Victoria Park.

RECOMMENDATION:

That approval be given to City Initiative 90-D, for a modification to the "A" (Conservation, Open Space, Park and Recreation) District regulations, to permit a museum (Strathcona Firehall) and accessory office use, within Victoria Park as shown on the attached map marked as APPENDIX "A" on the following basis:

i) That the "A" (Conservation, Open Space, Park and Recreation) District regulations, as contained in Section 7 of Zoning By-law No. 6593, be modified to include the following variance as a special requirement:

   a) That notwithstanding Section 7(1)(ii), a museum and accessory office use shall be permitted.

ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map W-12 be notated S- ;

iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-12 for presentation to City Council;

iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of this by-law is to provide for a modification to the "A" (Conservation, Open Space, Park and Recreation) District regulations, for Victoria Park, as shown on the attached map.

The effect of the by-law is to permit a museum (Strathcona Firehall) and accessory office use.

A.L. Georgieff, M.C.I.P.
Director of Local Planning

J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS:

N/A

BACKGROUND:

History:

In 1880, a volunteer fire station was built near the south-west corner of Locke and Florence Streets on the Crystal Place grounds (now Victoria Park) to serve the west end residents. In 1890, both the fire station and the Crystal Palace were demolished and the City bought the grounds for park purposes. The volunteer fire station was replaced by the present Strathcona Firehall in 1902.

Proposal:

The Planning and Development Committee, at its meeting held April 4, 1990, requested the Planning Department to initiate a rezoning to allow Strathcona Firehall and accessory office uses within Victoria Park.

The Strathcona Firehall Committee endorses the location of the firehall within Victoria Park on Strathcona Avenue North at the intersection of Lamoureaux Street.

LOT SIZE AND AREA:

- 142.69 m (468.13 ft.) of lot frontage on King Street West;
- 366.3 m (1,201.76 ft.) of lot depth; and,
- 5.0 ha (12.44 ac.) of lot area.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	Park	"A" (Conservation, Open Space, Park and Recreation) District
Surrounding Lands		
to the north	apartment building, single and two-family dwellings	"E-3" (High Density Multiple Dwellings) District
		"D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District
to the south	commercial, nursing home and apartment building	"H" (Community Shopping and Commercial, etc.) District
		"CR-2" (Commercial - Residential) District
		"E" (Multiple Dwellings, Lodges, Clubs, etc.) District
to the east	single and two-family dwellings	"D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District
to the west	Strathcona School, and apartments	"E" (Multiple Dwellings, Lodges, Clubs,etc.) District

OFFICIAL PLAN:

The subject lands are designated "OPEN SPACE" on Schedule "A". The following polices apply amongst others:

"A.2.4.1 The primary uses permitted in the areas exceeding .4 hectare designated on Schedule "A" as OPEN SPACE will include developed or undeveloped parks of local or area wide appeal; public or private recreation areas; pedestrian pathways; conservation uses, horticultural nurseries, forestry and wildlife management areas; and hazard lands which may pose a threat to life and property because of inherent physiographic characteristics (in accordance with the Hazard Lands provisions of Subsection A.3.1 of this Plan).

A.2.4.2 The following ancillary uses may be permitted in OPEN SPACE areas: Limited Commercial uses which are ancillary to and support the primary OPEN SPACE Use; and all other uses which, in the opinion of Council, complement and do not interfere with the primary intended use of the area."

The proposal does not conflict with the intent of the Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Park and Recreational" in the approved Strathcona Neighbourhood Plan. The proposal does not conflict with the intent of the Plan.

RESULTS OF CIRCULARIZATION:

o The following Departments and agencies have no comments or objections:

- Traffic Department;
- Fire Department;and,
- Hamilton Region Conservation Authority.

o The Building Department has advised that:

"1. The proposed use is not permitted in an "A" zoning district ("B" zoning district - the first zone to permit the use).

2. Only building connected to such uses as tennis courts, bowling greens or recreational uses and these are limited to such purposes as locker rooms, dressing rooms, shower baths, and other accessory uses necessary for their operation, are permitted.

3. Zoning change or amendment would be required to permit the building and use.

4. Zoning requirements of the "A" district with regards to height and yards are:

- 2 1/2 storeys maximum
- Front Yard 12.0 m (39.17')
- Side Yard 4.5 m (14.76')
- Rear Yard 10.5 m (34.45')

5. A sign is a bulletin board which is considered a "Use Not Restricted" under Section 3(3)(xi) of Zoning By-law 6593 subject to the following requirements:

   - situated on the same premises as the building
   - at least 3.0 m from the nearest street line
   - an area not more than 1.2 m^2 (12.92 sq.ft.)"

o The Public Works Department has advised that:

"The Public Works Department, Parks Division, has been represented on the Strathcona Firehall Committee and has verbally expressed general opposition to building and/or relocating structures into city parks simply because the land base is there. This may result in a less then optimal location for the building in terms of intended use and could overtax the open space area within the affected park.

With reference to this specific project, several sites within Victoria Park have been considered. The site recommended by Parks Division staff and endorsed by the Strathcona Firehall Committee as the preferred site is at the head of Lamoreaux Street, south of the pool field house, north of the practice tennis court.

On the understanding that the Firehall building would be situated at this location within Victoria Park, Parks Division staff has no objection to City Initiative CI-90-D modifying the 'A' District zoning for the park."

o The Hamilton-Wentworth Engineering Department has advised that:

"...public watermains and a combined sanitary/storm sewer (Strathcona Avenue North) are available to service the subject lands.

The designated road allowance width of King Street is 26.21 (86 feet). We therefore advise of a future road allowance widening on King Street adjacent to the park to establish the designated width as shown on Survey Plan P409A.

We have not reviewed any site plans etc. related to this building relocation. We, therefore, recommend that either detailed site plans be submitted for our review or consideration be given to setting the building away from the street lines and intersections to ensure adequate motorist visibility.

We understand that the fire station will be located to the north side of the park. We recommend that the structure be setback a minimum of 3 m (6 m preferred) from the Strathcona, Florence and Locke Street road allowance and that 9 m x 9 m vision triangles be established at the intersection (see plan attached), the setback from King Street should be 9.0 m."

o LACAC has advised that:

"Heritage Status: The former Strathcona Fire Station was designated under the Ontario Heritage Act in 1989 but has since been dedesignated at the request of the owners, the Hellenic Community. A demolition permit has been issued but the demolition has been temporarily delayed to give the City time to investigate relocating the building to another site.

Comments:

LACAC approved at its last meeting, held April 30, the recommendation of the Strathcona Firehall Action Committee to relocate the fire station to a site in Victoria Park and Strathcona Avenue North at the head of Lamoureaux Street.

Setting

The former Strathcona Fire Station was erected in 1897 at the north-west corner of Strathcona Avenue North and Head Street facing Victoria Park. This small two-storey building, with its handsome brick and sandstone facade, fits comfortably into the surrounding residential area, composed largely of late 19th and early 20th century housing, and contributes to the scenic character of the park itself.

Strathcona Firehall is one of the few remaining historic commercial or public buildings which serviced the West End community, and the only survivor of three important public buildings bordering Victoria Park, all erected on its west side. Lost are the normal school, built in 1908 and destroyed by fire in 1952, and Strathcona Public School built in 1894, and demolished in 1984. Victoria Park, one of the City's earliest and largest public parks, was developed in the 1890's on the grounds of the Crystal Palace, following the razing in 1891 of this monumental iron-and-glass exhibition building erected in 1860.

Architectural Significance

Designed by Hamilton architect, Lucien Hills, Strathcona Firehall was modelled on the prototype for three of the four earlier neighbourhood stations: a long, narrow two-storey brick structure with a flat roof and entrance facade featuring a central engine doorway flanked by a doorway and window, a row of windows on the second floor, and a decorative cornice with prominent end brackets. The facade of Strathcona Firehall is distinguished by its Richardsonian Romanesque treatment, evident in the combined use of red brick and rock-faced sandstone, transomed windows and round arches. The detailing of the stone masonry is particularly striking. The rusticated sandstone lower facade terminates in a sill course for the upper storey windows while the upper brick facade features rusticated sandstone bands and window lintels. Also noteworthy are the arches over the engine entrance and lower storey window and doorway. The row of five double-hung sash windows feature rectangular transoms with decorative borders of small coloured square panes. The segmental arch over the engine doorway originally framed a stained glass transom light, which was removed before the station closed in 1959. Also gone are the original panelled wood doors of the engine entrance and doorway, as well as the round-arched transom lights over the doorway and window."

COMMENTS:

1) The proposal does not conflict with the intent of the Official Plan or the approved Strathcona Neighbourhood Plan.

2) The proposal merits consideration for the following reasons:

   a) it will allow for the adaptive re-use of a historic and architecturally significant building;

   b) the preferred location at the intersection of Lamoreaux and Strathcona Streets will not interfere with the primary function of the Park;

   c) the intended use (museum) would provide for a recreational function which complements the multi-use nature (ie tennis courts, baseball diamonds, etc.) of the park; and

   d) it implements the intent of the Official Plan.

3) In regards to the Building Departments comments concerning setbacks and signage, it is understood that the firehall will meet all the district regulations.

CONCLUSION:

Based on the foregoing, the proposal can be supported.

JHE/ma
WPCI90D



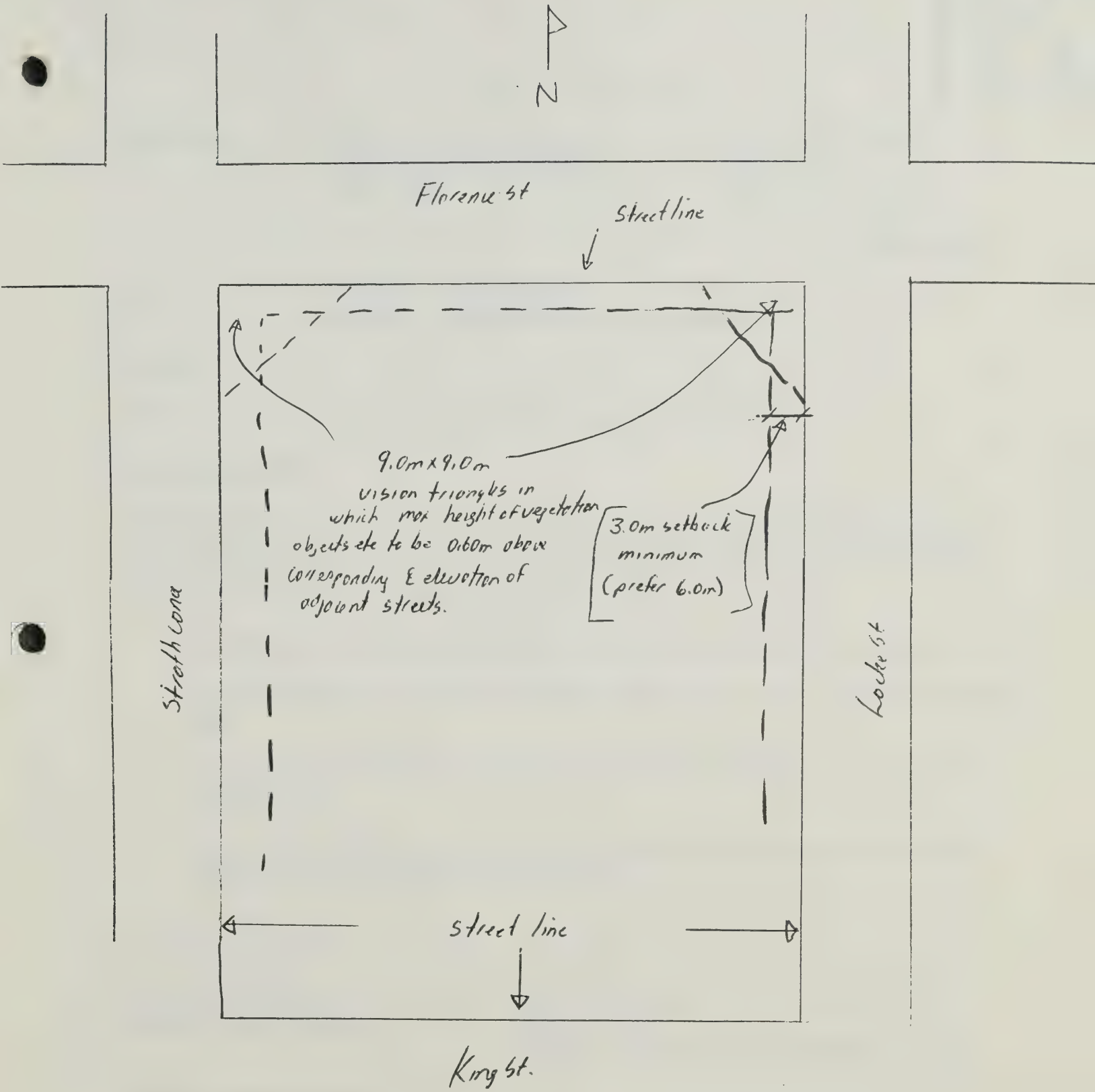
Legend

Site of the Application

* Proposed location of Strathcona Fire Station

CI-90-D

APPENDIX A


N
Florence st
Street line
9.0m x 9.0m
vision triangles in
which max height of vegetation
objects etc to be 0.60m above
corresponding E elevation of
adjacent streets.
3.0m setback
minimum
(prefer 6.0m)
Strathcona
Locke St
street line
King St.

18.

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: June 12, 1990
COMM. FILE:
DEPT. FILE: ZA-90-26
Bartonville
Neighbourhood

FROM: J.D THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT:

Request for a change in zoning - rear lands at No. 1502 Main Street East.

RECOMMENDATION:

That Zoning Application 90-26, Dr. Roy Smith, President, Riddrie Developments Inc., owner, requesting a change in zoning from "C" (Urban Protected Residential, etc.) District to "G-3" (Public Parking Lots) District, for property located at the rear of No. 1502 Main Street East, as shown on the attached map marked as APPENDIX "A", be **DENIED** for the following reasons:

1. It conflicts with the intent of the Official Plan which designates the lands for "RESIDENTIAL" use.

2. It would provide for an undesirable extension of a commercial use into an established residential area.

3. It would be incompatible and out of character with established residential development in the surrounding area.

3. Approval of the application may encourage other similar applications which, if approved, could alter the character of the established residential area.

A.L. Georgieff, M.C.I.P.
Director of Local Planning

J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

o Current Proposal

The site in question is comprised of a split zoned property. The first 100' of depth from Main Street East is zoned "H" (Community Shopping and Commercial, etc.) District, while the rear portion (approx. 370') is zoned "C" (Urban Protected Residential, etc.) District.

It is the applicant's intention to construct a commercial building for medical/dental and retail use on the front "H" zoned portion of the site being Nos. 1500 & 1502 Main Street East, and use the rear "C" zoned portion for parking purposes (62 spaces) in conjunction with the commercial use. The building will not exceed three (3) storeys in height and is expected to have a gross floor area not exceeding 1,400 m^2 (15,000 sq.ft.) (see APPENDIX "B" attached).

PREVIOUS HISTORY

The lands have been used as a legal non-conforming tree service which use appears to have since ceased.

Three previous zoning applications (1963 and 1964) to rezone the lands to "H" (Community Shopping and Commercial, etc.) District were denied by City Council.

o Zoning Verification Certificate and Legal Action

In 1988 the owner sought the issuance of a "Zoning Verification Certificate" permitting the lands in question to be used as a parking lot, and acceptance of a declaration that the use of all or part of the premises for parking of vehicles was a legal non-conforming use.

The rear portion of the site which is the subject of the present application is zoned "C" residential but the use for parking vehicles associated with a tree service business carried on was ruled a legal non-conforming use by the Building Department in 1976. The applicant, in 1988 as evidenced by his claim then wished to use the rear portion for parking, but apparently no longer associated with the tree service business. The applicant sought judgement in this matter before the Supreme Court of Ontario on March 16, 1988, at which time the court confirmed the Zoning Verification Certificate and dismissed the claim, (see APPENDIX "C" attached).

APPLICANT

Dr. Roy Smith, President, Riddrie Developments Inc., owner.

LOT SIZE AND AREA

Rear lands at No. 1502 Main Street East having:

- 20.73 m (68.0 ft.) of lot width;
- 113.12 m (371.12 ft.) of lot depth; and
- 2,344.97 m^2 (25, 241.95 sq.ft.) of lot area.

LAND USE AND ZONING

	Existing Land Use	Existing Zoning
Subject Lands	vacant	"C" (Urban Protected Residential, etc.) District
Surrounding Lands		
to the north	vacant building (formerly legal non-conforming tree service business)	"H" (Community Shopping and Commercial, etc.) District
to the south east and west	single-family dwellings	"C" (Urban Protected Residential, etc.) District

OFFICIAL PLAN

Designated "RESIDENTIAL" on Schedule "A" - Land Use Concept Plan of the Official Plan. The following policies, among others, would apply:

"A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the location of similar densities of development together.

A.2.1.3 Within areas designated RESIDENTIAL, land uses compatible to dwellings and deemed necessary by Council to serve the needs of local residents will be permitted, including, but not limited to:

iv) Limited individual or groups of commercial uses on sites not exceeding .4 hectare in area, excluding Automobile Service Stations, in accordance with the Local Commercial Uses and General Provisions set out in Subsection A.2.2 of this Plan.

A.2.1.5 Notwithstanding the above, a medical practitioner's office may be permitted without the necessity of an amendment to this plan subject to the satisfaction of Council that the proposed office:

i) is situated on a major road;

ii) is appropriately located with respect to adjacent RESIDENTIAL USES:

iii) will provide an acceptable amount of on-site parking; and,

iv) will otherwise not detract from the character of the RESIDENTIAL area.

A.2.2.25 The LOCAL COMMERCIAL category applies to groups of, or individual commercial establishments and local business and professional offices serving the daily retail needs of surrounding residents and primarily dependent upon pedestrian access.

A.2.2.26 The maximum site areas of any LOCAL COMMERCIAL development will not exceed .4 hectare in keeping with the intention that LOCAL COMMERCIAL facilities are to serve local Residential areas only with convenience goods and personal services.

A.2.2.38 No parking facility serving a COMMERCIAL USE or group of uses will be permitted beyond a COMMERCIAL designation, nor will vehicular access to said COMMERCIAL USES be permitted over Residentially designated lands."

It is the intent of the above policy that no parking facility serving a commercial use be permitted beyond a commercial designation.

The proposal to utilize the rear of the property for parking for a variety of commercial uses, not specifically convenience type commercial uses, does not comply with the Residential designation of the Official Plan. Approval of the application would require redesignation from "RESIDENTIAL" to "COMMERCIAL"

NEIGHBOURHOOD PLAN

A Neighbourhood Plan has not been prepared for the Bartonville Neighbourhood.

COMMENTS RECEIVED

- The Building Department has advised that:

  The proposed use of the property for the intended commercial use(s) is only permitted in the "H" commercial zoning district. The lands to the rear which are zoned "C" residential cannot be used for commercial uses associated with intended commercial use(s).

The site is presently occupied by a legally non-conforming tree service. This use was established prior to the passing of Zoning By-law No. 6593 and has been confirmed by a decision of the Supreme Court of Ontario. The subject property has been inspected numerous times over the past years by this Department due to complaints from neighbours and elected officials. Orders were issued in 1979 and 1981 for allowing the accumulation of garbage and waste on the property. On October 23, 1985, a permit was issued to erect a one-storey office building on the "H" commercial portion fronting on Main Street. In September 1986 Property Standards was commenced on the property respecting the condition of the site. This Department last attended the site on March 10, 1988.

o The Traffic Department has advised that:

"The unusual location of this property and the surrounding uses suggests that regardless of what occurs on this property, the surrounding residents will be effected and that this effect will likely be negative. As the possibility of this property becoming a neighbourhood park (which would also have some negative impacts) is unlikely it would appear that the most reasonable approach might be to allow only those developments which would involve a minimal impact on the adjoining properties. In this regard, the proposed parking designation, complete with its landscape requirements, might be very appropriate. We would however recommend that this proposal not be endorsed for the full commercial use permissable under the "H" zoning designation. We would specifically recommend that the entire site (including 1500 Main Street East) be rezoned to allow only the specific doctors office option requested by the applicant. We further recommend that the intensity of such development be limited and that the hours of operation for the building and the parking area be limited. A further stipulation that the parking area be physically restricted during off-hours may be appropriate.

Finally we would require that the entire site be placed under site plan control and that the project be restricted from providing vehicular access to Tragina Avenue South via the existing 3.05 m wide alley abutting the property.

With respect to the proposed site plan submitted with the zoning application we offer the following additional comments:

1. The intersection of Main Street East and Cope Street is adjacent to the north-east corner of this site. It is our understanding that there has been some suggestion that the signal could be relocated to Tragina Avenue. Please be advised that this will not be done.

2. The location of the signal will necessitate the relocation of the proposed access to the extreme western side of 1500 Main Street East. An alternative would be to place an access directly across from Cope Street but this would require acquisition of 1504 Main Street East.

3. The north/south alley located to the east of the property is relatively unusable for vehicular access to the Tragina Avenue properties. We would suggest that the applicant and/or the City investigate the legal closure of this property and its sale to the abutting property owners. This would provide the applicant with the ability to provide additional landscaped buffer between the parking area and the adjacent residences.

4. The applicant should also be advised that left turns entering and exiting the site may be prohibited in order to minimize the traffic disruptions adjacent to the signal."

o The Hamilton Region Conservation Authority, and Hamilton-Wentworth Regional Police Department have no comments or objections.

o The Hamilton-Wentworth Engineering Department has advised that:

"...public watermain as well as separate storm and sanitary sewers are available to service the subject lands.

The designated road allowance width of Main Street is 20.12 m (66 feet). Therefore, we do not anticipate any further road allowance widenings on Main Street at this time. (The lands being rezoned are internal lands with no frontage on open road allowances).

We have no objection to the rezoning application, but having reviewed the site plan, which includes development in the "H" zone, we submit the following comments:

1. The 1.2 m high fence should be recessed a minimum of 3.0 m from the Main Street road allowance.

2. We recommend that the building be setback a minimum of 3.0 m from the Main Street road allowance (this includes porches, balconies and stairs).

3. All landscaping objects, etc. between the building and the Main Street road allowance should not exceed a height of 0.60 m above the centreline elevation of Main Street.

4. Comments from the City Traffic Department on actual access design, etc. should be considered.

Since the rezoning of the rear lands will permit a further intensification of lands within the existing "H" zone, we recommend that this entire development be placed under site plan control and comments on grading, etc. will be submitted at that time.

Our concern is that at such time as Main Street is widened to its ultimate cross section and the sidewalk is relocated to the property line, there is still sufficient sight visibility for motorists to enter Main Street.

The applicant should be advised that according to our records, the alley to the rear of the subject lands is public unassumed. Therefore the City of Hamilton cannot guarantee access from the alley to the proposed parking lot."

COMMENTS

1. The proposal does not comply with the intent of the Official Plan. Approval of the application would involve redesignation from "RESIDENTIAL" to "COMMERCIAL".

2. The proposal cannot be supported for the following reasons:

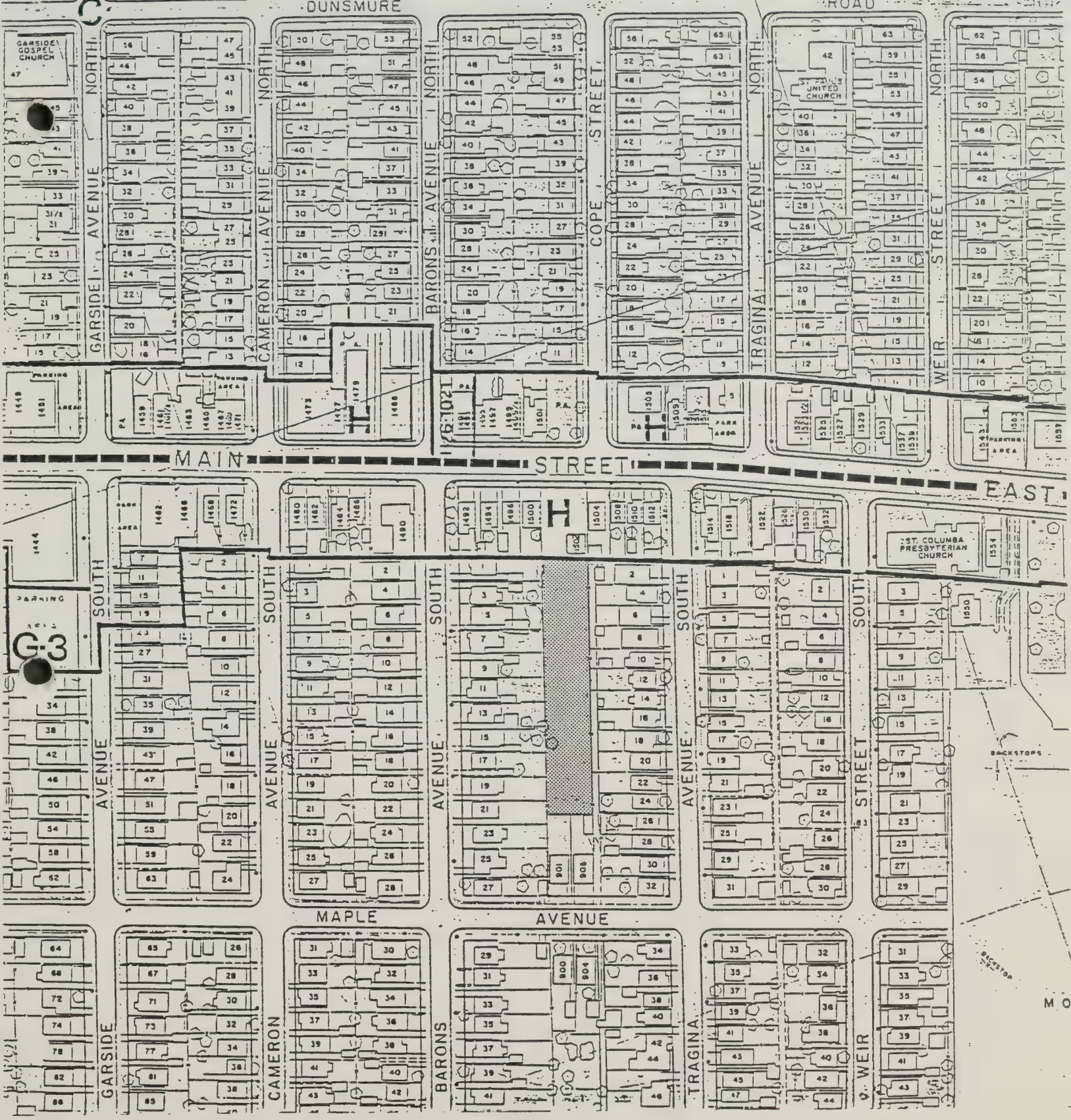
   - it conflicts with policy A.2.2.38 in that no parking facility serving a COMMERCIAL USE or group of uses will be permitted beyond a COMMERCIAL designation, nor will vehicular access to said COMMERCIAL USES be permitted over residentially designated lands.

   - it would provide for an undesirable extension of a commercial use into an established residential area;

   - it would be incompatible and out of character with established residential development in the surrounding area;

   - approval of the application may encourage similar applications which, if approved, could alter the character of the established residential area.

GAW/ma
WPZA9026

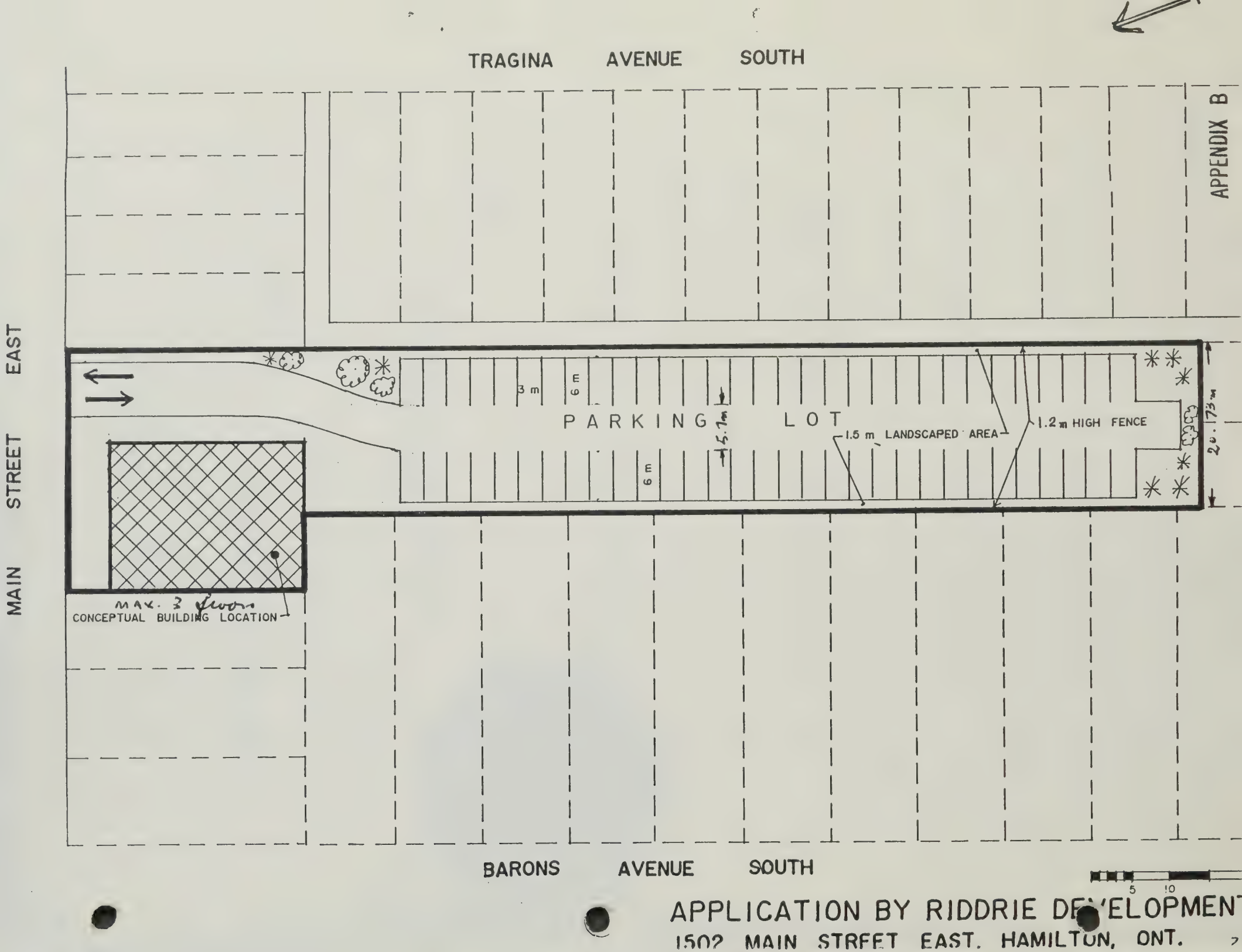


Legend

Site of the Application

ZA 90-26

APPENDIX A



APPLICATION BY RIDDRIE DEVELOPMENT
1502 MAIN STREET EAST, HAMILTON, ONT.

4494/88

SUPREME COURT OF ONTARIO

THE HONOURABLE JUDGE BORKOVICH) WEDNESDAY, THE 16TH
) DAY OF MARCH, 1988

B E T W E E N:

RIDDRIE DEVELOPMENTS INC.,
IVAN NEJKOV and MARGARET NEJKOV

Applicants

- and -

THE CORPORATION OF THE CITY OF HAMILTON

Respondent

JUDGMENT

THIS APPLICATION was heard this day, without a Jury, at Hamilton, in the presence of counsel for all parties,

ON READING the Notice of Application and the evidence filed by the parties,

AND ON HEARING the submissions of counsel for the parties,

APPENDIX C

1. THIS COURT ORDERS that this application be and the same is hereby dismissed without costs.

Signed this 13th day of May 1981.

LOCAL REGISTRAR
SUPREME COURT OF ONTARIO
AT HAMILTON

ENTERED AT HAMILTON
In Book No.
as Document No.
on 19
by

APPENDIX C

19.

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: June 12, 1990
COMM. FILE:
DEPT. FILE: ZA-90-29
Bruleville
Neighbourhood

FROM: J.D THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT:

Request for a further modification to the zoning - property located at No. 1024 Upper Wentworth Street.

RECOMMENDATION:

That approval be given to Zoning Application 90-29, 687469 Ontario Incorporated, (Roy Yates), owner, requesting a modification to the established "HH" (Restricted Community Shopping and Commercial) District to permit a body shop addition to the established automobile dealership for property located at No. 1024 Upper Wentworth Street, as shown on the attached map marked as APPENDIX "A", on the following basis:

i) That the "HH" (Restricted Community Shopping and Commercial, etc.) District regulations as contained in Section 14A of Zoning By-law No. 6593, applicable to the subject lands be modified to include the following variance as a special requirement:

   a) That notwithstanding the provisions of Section 14A(1) of By-law No. 6593 the following accessory uses to the automobile dealership existing on the day of passing of this by-law, shall not be prohibited:

      1. An automobile body and fender repair shop.

      2. An automobile body and fender paint shop.

ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-922c, and that the subject lands on Zoning District Map E-18A be notated S-922c;

iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-18A for presentation to City Council;

iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE

The purpose of this By-law is to provide for a modification to the established "HH" (Restricted Community Shopping and Commercial) District zoning applicable to property located at No. 1024 Upper Wentworth Street, as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to permit an auto body/fender repair and paint shop as an accessory use to the existing automobile dealership located on the site.

A.L. Georgieff, M.C.I.P.
Director of Local Planning

J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

- Current Proposal

  It is the applicants intention to construct a 17.98 m (59.0 ft.) x 17.67 m (58.0 ft.) addition to the rear of the existing automobile dealership to permit an accessory auto body/fender repair and paint shop. In this regard, the applicant has filed a Site Plan Application (DA-90-12) for the approval of the Planning and Development Committee, (see APPENDIX "B" attached).

- By-law No. 85-171

  On August 27, 1985 City Council passed By-law 85-171 which rezoned the subject lands from "AA" (Agricultural) District and "B-1" (Suburban Agriculture and Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District.

- DA-86-13

  On May 28, 1986 the Planning and Development Committee approved Site Plan Control Application DA-86-13 to permit an automobile dealership at 1024 Upper Wentworth Street subject to:

  a) modifications and notes on the plans as marked in red;

b) approval by the Committee of Adjustment to reduce the required setback of the pylon sign from 12.0 m to 3.0 m.

- DA-88-69

On August 19, 1988 the Planning and Development Committee approved Site Plan Control Application DA-88-69 to amend Site Plan Control Application DA-86-13 to permit an automobile dealership at No. 1024 Upper Wentworth Street subject to:

a) modification and notes on the plans as marked in red on the plans;

b) provision of a 2.0 m high visual barrier along the entire westerly lot line of the existing and proposed dealership; and,

c) approval of the Committee of Adjustment to allow the new pylon sign to be located 4.5 m from the street line instead of the required 12.0 m minimum setback.

- A-86-129

On June 26, 1986 the Committee of Adjustment approved minor variance application A-86-129 to permit the erection of a 25' high pylon sign as close as 6.0 m (20.0 ft.) to Upper Wentworth Street instead of the required 12.0 m (34.37 ft.)

- A-88-295

On November 24, 1988 the Committee of Adjustment approved minor variance application A-88-295 to permit a maximum of only two pylon signs, one sign to be located approximately in the middle of the front of the existing car dealership building with a setback of at least 6.0 m instead of the required 12.0 m. The other sign is to be located in a location suitable with Site Plan Control, and setback at least 4.5 m from Upper Wentworth Street instead of the required 12.0 m.

APPLICANT

687469 Ontario Incorporated, (Roy Yates), owner.

LOT SIZE AND AREA

- 74.60 m (244.75 ft.) of lot frontage on Upper Wentworth Street;
- 130.79 m (429.10 ft.) of lot depth; and,
- 9,756.93 m^2 (2.41 ac.) of lot area.

LAND USE AND ZONING

	Existing Land Use	Existing Zoning
Subject Lands	two automobile dealerships	"HH" (Restricted Community Shopping and Commercial) District modified
Surrounding Lands		
to the north	commercial	"HH" (Restricted Community Shopping and Commercial) District
to the south	cemetery	"AA" (Agricultural) District
to the east	Limeridge Mall	"G-2" (Regional Shopping Centres) District
to the west	single family dwellings	"D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District modified

OFFICIAL PLAN

Designated "COMMERCIAL" on Schedule "A" - Land Use Concept Plan of the Official Plan and subject to, among others, the following policies:

A.2.2.1 The primary uses permitted in the areas exceeding .4 hectare designated on Schedule "A" as COMMERCIAL will be for commerce. In this regard, commerce is defined as establishments involved in the buying and selling of goods and services; business offices; and hotels, convention and entertainment facilities.

A.2.2.14 The EXTENDED COMMERCIAL category applies to existing stretches of individually managed Commercial establishments located along Arterial Roads, serving both pedestrian and automobile borne trade. It includes:

ii) Larger scaled "Highway" commercial uses on deep lots, reliant on locations readily accessible to private vehicles specifically coming to, and parking on, the premises to do business.

A.2.2.34 Where COMMERCIAL USES are proposed to be developed adjacent to Residential land uses, Council will be satisfied that the following provisions are adequately met:

i) Access drive, parking and service areas will be severed and/or buffered such that noise, light or undesirable visual impacts emanating from the COMMERCIAL USE are mitigated;

ii) Light from standards or other external lighting fixtures will be directed downwards and shielded or accented as much as practicable away from the adjacent Residential Use; and,

iii) Light standards will not be of a height sufficient to create a nuisance to adjacent land uses.

C.4.2 Council will control domestic, commercial, industrial and other sources of POLLUTION by appropriate by-laws or other means as may be provided for in Provincial Statues.

C.4.3 No development will be permitted unless it is of a standard that will conform with the current policies of the Provincial Government regarding air, noise and water POLLUTION."

The proposal to add an autobody component to an existing automobile dealership complies with the intent of the Official Plan.

NEIGHBOURHOOD PLAN

Designated "COMMERCIAL" on the approved Bruleville Neighbourhood Plan, the proposal complies.

COMMENTS RECEIVED

- The Building Department, Traffic Department, Hamilton Region Conservation Authority and the Hamilton Wentworth Regional Police Department have no comments or objections.

- The Ministry of the Environment has advised that:

  "This office has no objections to the proposed zoning changes. It should be brought to the attention of the applicant that all wastes generated in the new body shop operation must be registered with the Ministry of the Environment and disposed of in a manor as outlined in Regulation 309 of the Environmental Protection Act.

  Similarly any operations that would exhaust to the atmosphere, (i.e. fumes from a paint booth) would require approval from this office under Section 8 of the Environmental Protection Act."

- The Hamilton-Wentworth Engineering Department has advised that:

  "...public watermains as well as separate storm and sanitary sewers are available to service the subject lands. The designated road allowance width of Upper Wentworth Street is 36.58 m (120 feet). According to our records, the required road widenings have previously been acquired by the Region. In conjunction with the application, we have previously reviewed Site Plan Control Application DA-90-12 and have attached a copy of our comments which are still applicable".

  The following comments are noted in this regard:

  "It is unclear from the plans as to whether fences presently extend to the Upper Wentworth Street road allowance as widened. They should be setback 3 m from the street line and fences along the Upper Wentworth Street road allowance should be discouraged for sight distance purposes. Other than the above, we have no comments since this is a rear addition only."

COMMENTS

1. The proposal complies with the intent of the Official Plan.

2. The proposal complies with the intent of the approved Bruleville Neighbourhood Plan.

3. The proposal has merit and can be supported for the following reasons:

   a) it complies with the intent of both the Official Plan and the approved Bruleville Neighbourhood Plan;

   b) it is suitably located on a major arterial road (Upper Wentworth Street);

   c) it would be compatible with existing and proposed commercial development comprised of retail commercial and highway commercial type uses within the designated and zoned areas between Mohawk Road and Limeridge Road along both sides of Upper Wentworth Street;

   d) Autobody repair and paint shops are customary components of a modern automobile dealership;

   e) a number of similar applications to permit automobile body fender repair and paint shops as an accessory use to an automobile dealership have previously been approved by City Council, (e.g. Nethercott, John Bear, Johnston);

f) the proposed auto body fender repair and paint shop is proposed to be setback a minimum of 47 m (154.19 ft.) from the rear property line adjoining the residential District to the west, and is buffered by a 6.0 m wide (20.0 ft.) landscaped strip and a 1.2 m high to 2.0 m high closed fence which effectively mitigates any visual impact that may be generated by the proposed use. The landscape strip and fence were provided under DA-88-69.

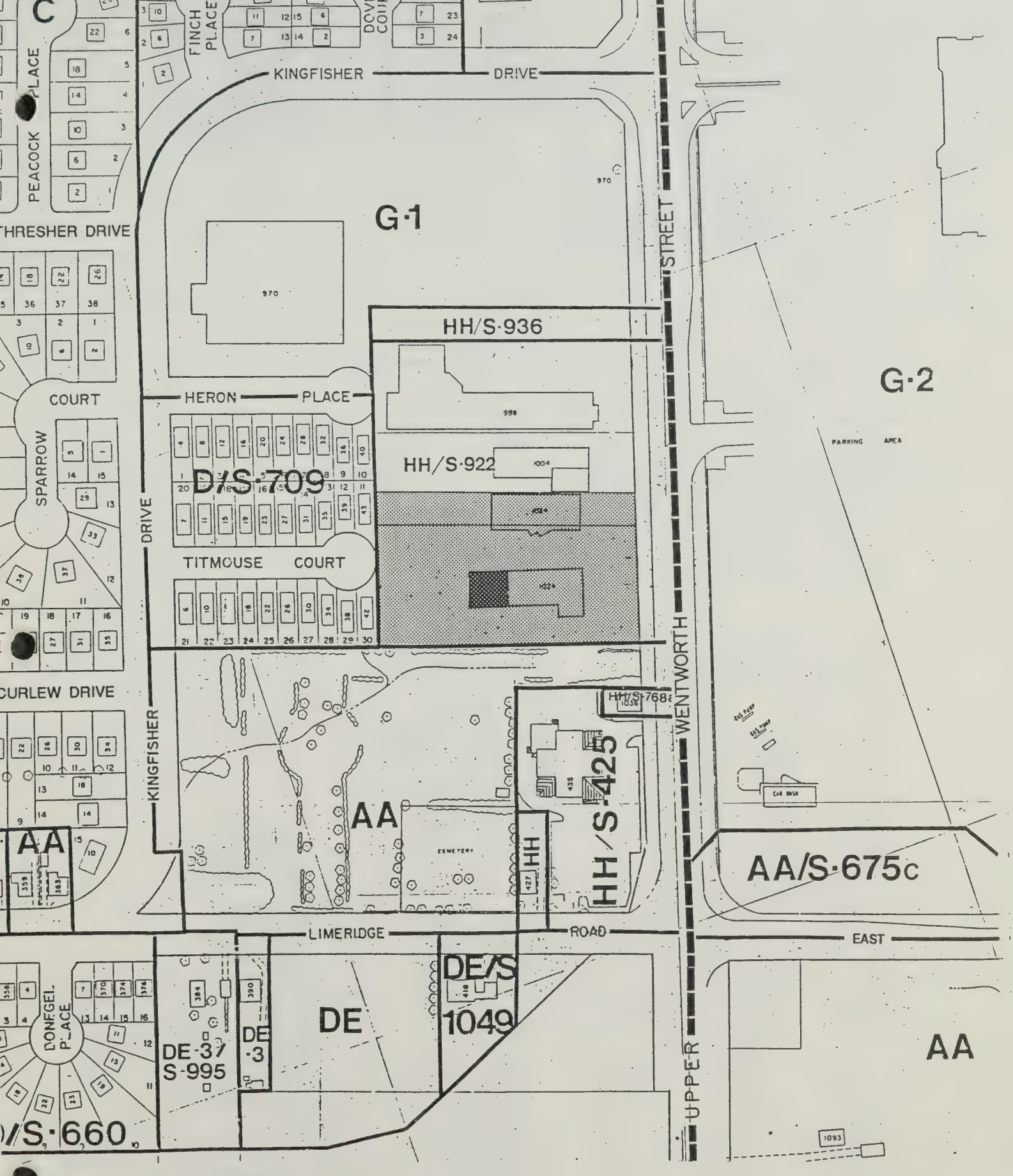
4. Any emissions to the atmosphere that may be generated by the proposed use are subject to the approval of the Ministry of the Environment under Regulation 309 and Section 8 of the Environmental Protection Act.

5. The "HH" (Restricted Community Shopping and Commercial) District is subject to Site Plan Control By-law No. 79-275, as amended by By-law 87-223. In this regard, an application has been made for Site Plan Approval under which matters such as landscaping, grading, fencing, etc. will be further reviewed.

CONCLUSION

On the basis of the foregoing, the application can be supported.

GAW/ma
WPZA9029



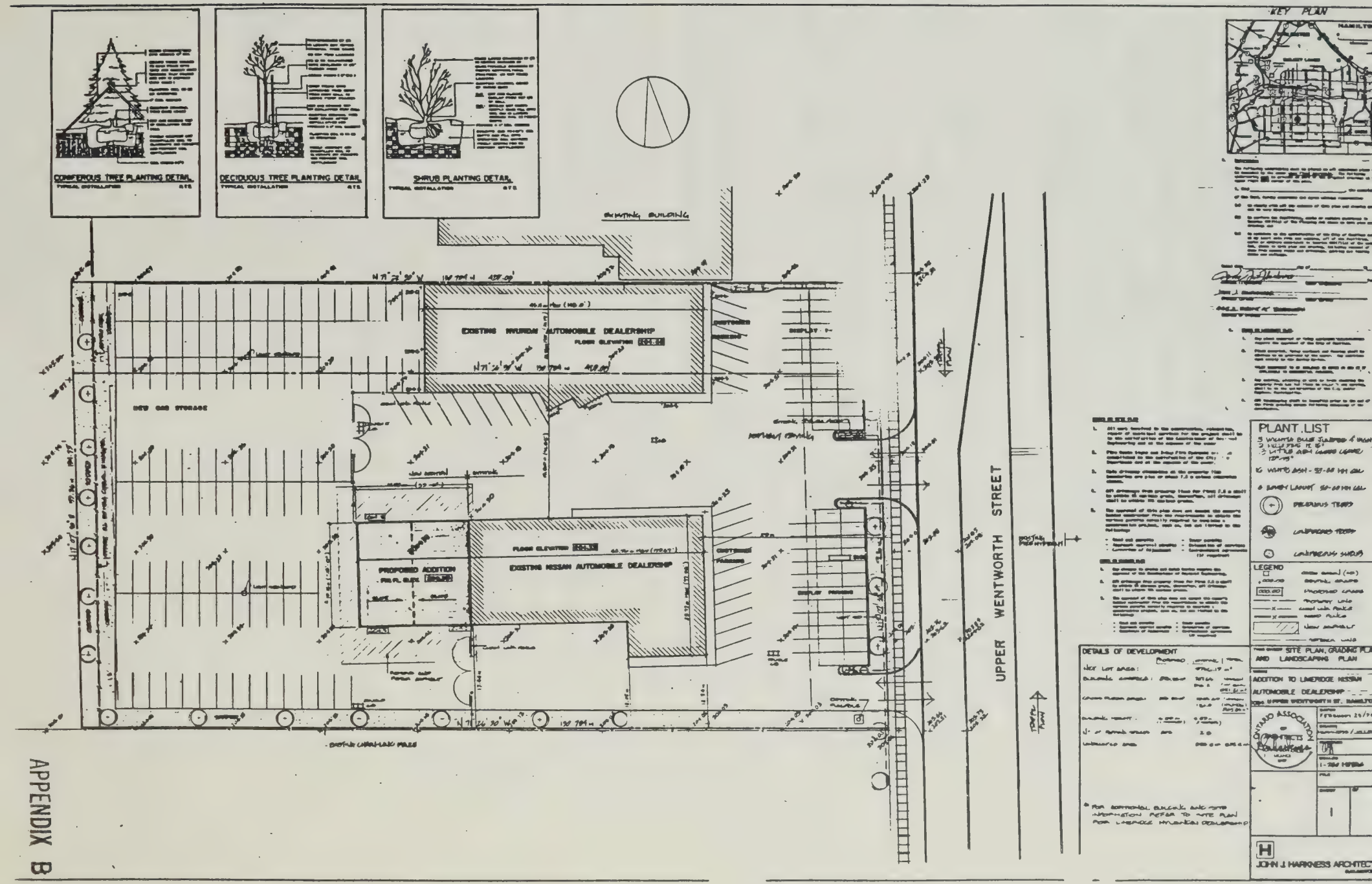
Legend

Site of the Application

Location of Proposed Body/Fender Repair and Paint Shop

ZA 90-29

APPENDIX A


CONIFEROUS TREE PLANTING DETAIL
DECIDUOUS TREE PLANTING DETAIL
SHRUB PLANTING DETAIL
EXISTING BUILDING
EXISTING HYUNDAI AUTOMOBILE DEALERSHIP
PROPOSED ADDITION
EXISTING NISSAN AUTOMOBILE DEALERSHIP
UPPER WENTWORTH STREET
KEY PLAN
PLANT LIST
LEGEND
DETAILS OF DEVELOPMENT
SITE PLAN, GRADING PLAN AND LANDSCAPING PLAN
ADDITION TO LIMERIDGE NISSAN AUTOMOBILE DEALERSHIP
JOHN J. HARKNESS ARCHITECT

APPENDIX B

P. Pl... GW

19a. (1) (1 OF 3)

THIS IS TO INFORM YOU THAT THE FOLLOWING OWNERS RESIDING ON TITMOUSE COURT OPPOSE THE PROPOSED MODIFICATION TO PERMIT THE ADJOINING PROPERTY TO CONSTRUCT AN ADDITION TO THE EXISTING BUILDING WHICH IS TO BE USED FOR A BODY FENDER REPAIR AND PAINT SHOP IN CONJUNCTION WITH THE ESTABLISHED DEALERSHIP KNOWN AS LIMERIDGE NISSAN LOCATED AT 1024 UPPER WENTWORTH IN THE CITY OF HAMILTON.

OWNER'S NAME	ADDRESS	SIGNATURE
Plummer, Michael J. Plummer, Marion E.	6 Titmouse Court	Marion Plummer Mike Plummer.
Maynard, Martin T. Maynard, Theodore J.	10 Titmouse Court "	Martin Maynard Theodore Maynard
Mattys, Michael C.J. Mattys, Sherri L.	14 Titmouse Court	Michael C. J. Mattys Sherri Mattys
Banner, Douglas J. ~~Banner, Brandonmae L.~~	18 Titmouse Court	Doug Banner
Laidman, Douglas E. Laidman, Deborah J.	22 Titmouse Court	Laidman D Laidman
McKay, Hamish McKay, Martha	26 Titmouse Court	M. M'Kay M M'Kay
Mickus, Reginald E. Mickus, R. Dorothy	30 Titmouse Court " "	R.E. Mickus M D Mickus
Don LUKOVIC Mary ~~Barry~~ Lukic	34 Titmouse Court	D Lukic M. Lukic

(3) of 3

THIS IS TO INFORM YOU THAT THE FOLLOWING OWNERS RESIDING ON TITMOUSE COURT OPPOSE THE PROPOSED MODIFICATION TO PERMIT THE ADJOINING PROPERTY TO CONSTRUCT AN ADDITION TO THE EXISTING BUILDING WHICH IS TO BE USED FOR A BODY FENDER REPAIR AND PAINT SHOP IN CONJUNCTION WITH THE ESTABLISHED DEALERSHIP KNOWN AS LIMERIDGE NISSAN LOCATED AT 1024 UPPER WENTWORTH IN THE CITY OF HAMILTON.

OWNER'S NAME	ADDRESS	SIGNATURE
Englard, Joseph R Englard, Catherine S	15 Titmouse Court	J. Englard Catherine Englard
Gouba, Terry Gouba, Celia	11 Titmouse Court	
Vukelich, Nebojsha Vukelich, Maria	7 Titmouse Court	
* OUT OF ORDER DUNSDON, SANDRA DUNSDON, GARY	23 Titmouse Court	Dunsdon Gary Dunsdon
MR. MR.		

(2) OF 3

THIS IS TO INFORM YOU THAT THE FOLLOWING OWNERS RESIDING ON TITMOUSE COURT OPPOSE THE PROPOSED MODIFICATION TO PERMIT THE ADJOINING PROPERTY TO CONSTRUCT AN ADDITION TO THE EXISTING BUILDING WHICH IS TO BE USED FOR A BODY FENDER REPAIR AND PAINT SHOP IN CONJUNCTION WITH THE ESTABLISHED DEALERSHIP KNOWN AS LIMERIDGE NISSAN LOCATED AT 1024 UPPER WENTWORTH IN THE CITY OF HAMILTON

OWNER'S NAME	ADDRESS	SIGNATURE
Wilkinson, Paul W. Wilkinson, Linda J.	38 Titmouse Court	
DeNardis, Ralph G	42 Titmouse Court	
M Coyle STEVE L'ORTYE	39 TITMOUSE CT.	
Foster, Stephen	43 Titmouse Court	
~~Wenker, Kathleen~~	~~39 Titmouse Court~~	
Cravero, David L. Cravero, Joanne M.	35 Titmouse Court	
~~Horii, Yoshiko~~ DEC'D Horii, Yoshiko	31 Titmouse Court	
West, Gordon West, Sharon G. Smith, William J. Smith, Margaret	27 Titmouse Court * OUT OF ORDER. SEE PAGE 3 23 TITMOUSE COURT	
Birthelmer, Robert Birthelmer, Deborah	19 Titmouse Court	

20.

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: June 12, 1990
COMM. FILE:
DEPT. FILE: ZA-90-22
Rymal
Neighbourhood

FROM: J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT

Request for a modification in zoning - lands on the east side of Upper Ottawa Street in the area south of Stone Church Road East.

RECOMMENDATION

1. That approval be given to Official Plan Amendment No. to establish a Special Policy Area to permit a limited number of commercial uses, and the City Solicitor be directed to prepare a By-law of adoption for submission to the Regional Municipality of Hamilton-Wentworth.

2. That approval be given to amended Zoning Application 90-22, Taba Developments Ltd. (J. Frisch, A. Ishaky, and S. Mukamal), owners, requesting a modification to the established "M-12" (Prestige Industrial) District regulations to permit a mall containing limited commercial uses, a community medical centre, and limited office uses, for property located on the east side of Upper Ottawa Street in the area south of Stone Church Road East, as shown on the attached map marked as APPENDIX "A", on the following basis:

   i) That the "M-12" (Prestige Industrial) District regulations, as contained in Section 17D of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special provisions:

      a) That notwithstanding Section 17D(1) of Zoning By-law 6593, the following Institutional use shall be permitted:

S.I.C. Identification Number	Permitted Use
8635	Public Health Clinics/Community Medical Centres

b) That notwithstanding Section 17D(1)(b) of Zoning By-law No. 6593, the following Commercial uses shall be permitted:

S.I.C. Identification Number	Permitted Use
6213	Furniture Refinishing and Repair Shops
6223	Appliance, Television, Radio and Stereo Repair Shops
6231	Floor Covering Stores
6232	Drapery Stores
6532	Paint, Glass and Wallpaper Stores
7611	Insurance and Real Estate Agencies
7731	Offices of Chartered and Certified Accountant
7739	Other Accounting and Bookkeeping Services
7761	Offices of Lawyers and Notaries
7771	Management Consulting Services

ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Maps E-59C and E-59D be notated S- ;

iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-59C and E-59D for presentation to City Council;

iv) That the proposed modification in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon the approval of Official Plan Amendment No. by the Regional Municipality of Hamilton-Wentworth; and,

v) That the approved Mountain Industrial Area Plan be amended by redesignating the subject lands from "RESTRICTED INDUSTRIAL" to "RESTRICTED COMMERCIAL".

3. That the amending By-law not be forwarded for passage by City Council until such time as:

i) the access grades for driveways to Upper Ottawa Street have been resolved to the satisfaction of the Commissioner of Regional Engineering; and,

ii) proof has been submitted, to the satisfaction of the Director of Local Planning, of a written agreement between Taba Developments and 874289 Ontario Inc. requiring:

a) The unregistered covenant and agreement of Taba that it will not lease the subject property or any part thereof, or permit such to be occupied by a tenant, for the four uses listed above as Numbers 7611, 7731, 7739 and 7761 (the "Office Uses"), provided that it may sell commercial condominium units to persons who, as owners of such units, will personally occupy the units for the Office Uses;

b) The registration forthwith after such written agreement has been entered into of a restrictive covenant on title to the subject property preventing any part of the property from being leased or occupied by a tenant for the Office Uses at any time on or before June 5, 1993;

c) That Taba provide written notification to any purchasers of the condominium units of the restriction specified in subparagraph 2 above; and

d) That the condominium declaration, when registered, include a prohibition in accordance with subparagraph 3(3)(c) of the Condominium Act against the leasing of any of the condominium units on the subject property, or the occupation of same by tenants, for the Office Uses at any time on or before June 5, 1993.

4. That, in accordance with Section 34(16) of the Planning Act, no further public meeting be held.

EXPLANATORY NOTE

The purpose of the By-law is to provide for a modification to the established "M-12" (Prestige Industrial) District regulations for property located on the east side of Upper Ottawa Street in the area south of Stone Church Road East, as shown on the attached key map.

The effect of the By-law is to permit, in addition to the uses allowed under the "M-12" (Prestige Industrial) District, the following uses:

- furniture refinishing and repair shops;
- appliance, television, radio and stereo repair shops;
- floor covering stores;
- drapery stores;
- paint, glass and wallpaper stores;
- insurance and real estate agencies;
- chartered and certified accountant's offices;
- other accounting offices;
- offices of lawyers and notaries;
- management consulting services; and,
- community medical centres/public health clinics.

A.L. Georgieff, M.C.I.P.
Director of Local Planning

BACKGROUND

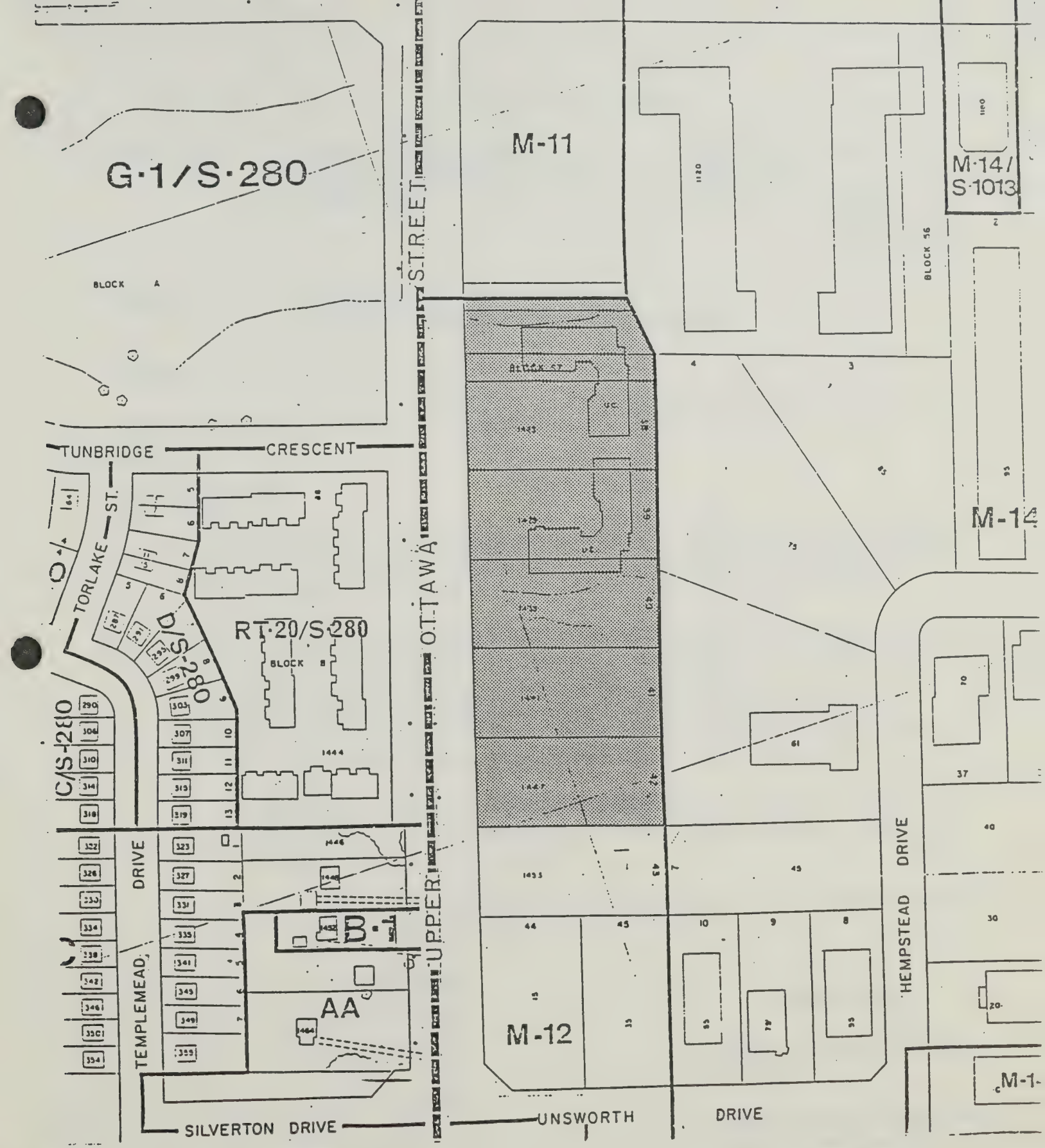
This application was the subject of a public meeting of the Planning and Development Committee on May 23, 1990. At that time, concerns were voiced to the Committee by the solicitor acting for an adjacent land owner. The committee agreed to table the application in order for staff, the solicitor for the objector, and the applicant to meet and attempt to resolve the issues.

A meeting was held on June 5, 1990 at which time the objector and the applicant agreed to limit the uses to those listed above. As the objector had concerns regarding the potential for sub-leasing of four of the uses (insurance and real estate agency, chartered accountant's office, other accounting office, and law office), the parties agreed to place a restrictive covenant on the title of the land, under the Condominium Act, prohibiting the sub-leasing of the space occupied by these uses for a period of three years commencing June 5, 1990. It was further agreed that the amending By-law would be held in abeyance until this requirement had been fulfilled to the satisfaction of both parties.

As there are changes to the proposed By-law, a further public meeting may be held. However, Section 34(16) of the Planning Act authorizes Council to determine whether or not an additional public meeting is required when changes are made to a proposed By-law. As the list of permitted uses agreed to by the parties is narrower than what was previously recommended, a further public meeting is not deemed necessary.

A copy of the original staff report is attached for the information of the Committee (see APPENDIX "B").

MLT/ma
WPZA9022



Legend

Site of the Application

ZA 90-22

APPENDIX A

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: May 11, 1990
COMM. FILE:
DEPT. FILE: ZA-90-22
Rymal
Neighbourhood

FROM: J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT

Request for a change in zoning - lands on the east side of Upper Ottawa Street in the area south of Stone Church Road East.

RECOMMENDATION

1. That approval be given to Official Plan Amendment No. to establish a Special Policy Area to permit a limited number of commercial uses, and the City Solicitor be directed to prepare a By-law of adoption for submission to the Regional Municipality of Hamilton-Wentworth.

2. That approval be given to amended Zoning Application 90-22, Taba Developments Ltd. (J. Frisch, A. Ishaky, and S. Mukamal), owners, requesting a modification to the "M-12" (Prestige Industrial) District to permit a mall containing home improvement retail commercial uses (e.g. furniture stores, hardware store, etc.) and offices including a community medical centre, for property located on the east side of Upper Ottawa Street in the area south of Stone Church Road East, as shown on the attached map marked as APPENDIX "A", on the following basis:

   i) That the "M-12" (Prestige Industrial) District regulations as contained in Section 17D of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variance as a special provision:

      a) That notwithstanding Section 17D(1)(b) of Zoning By-law No. 6593, the following Commercial uses shall be permitted:

S.I.C Identification Number	Permitted Use
6211	Household Furniture Store with Appliances
6212	Household Furniture Store without Appliances and Furnishings

APPENDIX B

6213	Furniture Refinishing and Repair Shop
6221	Appliance, Television, Radio and Stereo Store
6222	Television, Radio and Stereo Store
6223	Appliance, Television, Radio and Stereo Repair Shop
6231	Floor Covering Store
6232	Drapery Store
6239	Other Household Furnishings Store
6531	Hardware Store
6532	Paint, Glass and Wallpaper Store
6599	Other Retail Store, n.e.c., restricted to: (1) Picture framing, retail; (2) Saunas, etc., retail
7611	Insurance and Real Estate Agency
7731	Office of Chartered and Certified Accountant
7739	Other Accounting and Bookkeeping Office
7761	Law Office
7771	Management Consulting Service
8635	Public Health Clinics/Community Health Centres

ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Maps E-59C and E-59D be notated S- ;

iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-59C and E-59D for presentation to City Council;

iv) That the proposed modification in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon the approval of Official Plan Amendment No. by the Regional Municipality of Hamilton-Wentworth; and,

v) That the approved Mountain Industrial Area Plan be amended by redesignating the subject lands from "RESTRICTED INDUSTRIAL" to "RESTRICTED COMMERCIAL".

3. That the amending By-law not be forwarded for passage by City Council until such time as the access grades for driveways to Upper Ottawa Street have been resolved to the satisfaction of the Commissioner of Regional Engineering.

EXPLANATORY NOTE

The purpose of the By-law is to provide for a modification to the established "M-12" (Prestige Industrial) District regulations for property located on the east side of Upper Ottawa Street in the area south of Stone Church Road East, as shown on the attached key map.

The effect of the By-law is to permit, in addition to the uses allowed under the "M-12" (Prestige Industrial) District, the following uses:

- a household furniture store (without appliances and furnishings);
- a household furniture store (with appliances and furnishings);
- a furniture refinishing and repair shop;
- an appliance, television, radio and stereo store;
- a television, radio, and stereo store;
- an appliance, television, radio and stereo repair shop;
- a floor covering store;
- a drapery store;
- a store selling other household furnishings;
- a hardware store;
- a paint, glass, and wallpaper store;
- a picture framing store;
- a sauna store;
- an insurance and real estate agency;
- a chartered accountant's office;
- other accounting offices;
- a law office;
- a management consulting office; and,
- a community medical centre.

A.L. Georgieff, M.C.I.P.
Director of Local Planning

J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

o Proposal

It is the applicant's intention to construct a mall containing a home design centre and offices on the subject property.

o DA-88-86

On January 5, 1989, the applicant signed a development agreement with the City of Hamilton. The agreement was concerning the development of the northern portion of the subject lands for an industrial commercial development consisting of two buildings with a gross floor area of 4682.1 m^2 (50,400 square feet).

o By-law No. 89-205

At its meeting of June 27, 1989, City Council passed this By-law to implement a modification in zoning for property located at Nos. 1120 and 1150 Stone Church Road East. The purpose of the By-law is to permit development of the subject lands as a home design centre. The By-law has been appealed to the Ontario Municipal Board.

APPLICANT

Taba Developments Ltd. (J. Frisch, A. Ishaky, and S. Mukamal), owners.

LOT SIZE AND AREA

The subject property has:

o 236.99 m (777.53 feet) of lot frontage on Upper Ottawa Street;

- 86.26 m (283 feet) of lot depth; and,
- 2.04 ha (5.0 acres) of lot area.

LAND USE AND ZONING

	Existing Land Use	Existing Zoning
Subject Lands	vacant	"M-12" (Prestige Industrial) District
Surrounding Lands		
to the north	plaza	"M-11" (Prestige Industrial) District
to the south	vacant	"M-12" (Prestige Industrial) District
to the west	townhouses	"RT-20" (Townhouse - Maisonette) District
to the east	vacant and industrial	"M-14" (Prestige Industrial) District

OFFICIAL PLAN

Designated "INDUSTRIAL" on Schedule "A" - Land Use Concept, the subject lands are also in Special Policy Area 11 and the following policies are applicable:

"A.2.3.1 The primary uses permitted in the areas designated on Schedule 'A' as INDUSTRIAL will be for Industry. In this regard, Industry is defined as manufacturing, processing, warehousing, repair, and servicing. In addition to the primary permitted uses, the following uses may be permitted within INDUSTRIAL areas:

i) Uses that are incidental to INDUSTRIAL operations such as retail and wholesale enterprises which are operated as subsidiary functions of an INDUSTRIAL establishment;

ii) Business enterprises such as, but not limited to, banks, restaurants, garages, material suppliers, etc. which are intended to directly serve the Industries and their personnel, etc.

A.2.3.13 The LIGHT INDUSTRIAL category applies to those Industrial Uses that have a minimal impact on surrounding land uses and, as set out in Subsection A.2.9.3, are shown on Schedule 'B' as Special Policy Area 11. Generally, LIGHT INDUSTRIAL USES will be encouraged to concentrate in a designed community-like precinct such as the East Mountain Industrial Park."

The requested commercial uses are not considered to be incidental to industry nor do they directly serve the needs of industry. Therefore, the proposal does not comply with the intent of the Official Plan and an Official Plan Amendment, to establish a Special Policy Area, is required.

NEIGHBOURHOOD PLAN

Designated "RESTRICTED INDUSTRIAL" on the approved Mountain Industrial Area Plan, the proposal does not comply. Approval of the application would require a redesignation to "RESTRICTED COMMERCIAL".

COMMENTS RECEIVED

o The following agencies have no comment or objection:

- Hamilton Region Conservation Authority;
- Hamilton-Wentworth Economic Development Department; and,
- Traffic Department.

o The Real Estate Department has advised that:

"We wish to advise that the uses proposed for the rezoning are too commercialized for the M-12. The proposed uses are more suited for the M-11 districts.

In view of recent amendments accepted by the Planning and Development Committee, you may wish to allow some of the uses.

I have no objection to allowing some office uses i.e. business, medical..."

o The Building Department has advised that:

"1. This property is known as 1423 - 1447 Upper Ottawa Street.

2. The application indicates that 15 Unsworth Drive is the land affected which appears to be incorrect.

1) Item 18, Pet Food Store, is identified under S.I.C. #6596, Pet Store,

2) Item 24, should be 7771, Management Consulting Service.

3) S.I.C. #9212, Restaurant, unlicensed and 9213, Take-Out Food Services, should also be considered in Item 25.

4) Item 29, Laundromat, is identified under S.I.C. #9723, Self-Serve Laundries and/or Dry Cleaners.

5) Items 31 and 32 are classified under "Public Uses".

6) Item 33, a retail variety store, is identified under S.I.C. #6413, Other General Merchandise Stores.

7) Item 34, a business or professional persons office n.e.c., is identified under S.I.C. #7799, Other Business Service which is a permitted use in the M-12 District.

8) Further to our conversation of May 4, 1990, Items 35 and 36 shall be under S.I.C. #8635, Public Health Clinic, Community Health Clinic.

9) Item 37, a retail store selling flowers, plants and like goods sold or offered for sale by a florist, is identified under S.I.C. #6521, Florist Shops.

10) Item 38, a travel agency, is identified under S.I.C. #9961, Ticket and Travel Agency."

o The Hamilton-Wentworth Engineering Department has advised that:

"The designated road allowance width of Upper Ottawa Street is 30.48 m (100 feet). The Region previously acquired the road widenings on Upper Ottawa Street. Therefore we do not anticipate any further road allowance widenings at this time.

Development details of the site were dealt with through previous site plans. As the applicant/owner has been made aware, the access grades for driveways to Upper Ottawa Street do not conform to the approved grading plan and the driveway grade is well in excess of our maximum permitted 5% for the first 7.5 m (25 feet). The owner has not taken any remedial action to date nor has he responded to our correspondence. It is our opinion that the access grades are extremely substandard under existing conditions and the Region may consider closing the accesses to Upper Ottawa Street should the owner not take the remedial action required. We cannot support any further commercial/office uses on these lands which increase the traffic generation until the accesses have been revised to the satisfaction of the Commissioner of Regional Engineering. We recommend that this application be denied at this time for these reasons.

The applicant should be advised that additional accesses to the southern limits of the property to Upper Ottawa Street may not be permitted unless the applicant/owner makes significant changes to the grade to conform to our standards. At present the lands are well below the elevation of Upper Ottawa Street."

COMMENTS

1. The proposal does not comply with the intent of the Official Plan. Approval of the application would require an Official Plan Amendment to establish a Special Policy Area to allow certain commercial uses.

2. The proposal does not comply with the intent of the approved Mountain Industrial Area Neighbourhood Plan. Approval of the application would require a redesignation to "RESTRICTED COMMERCIAL".

3. The proposal has merit and can be supported for the following reasons:

   i) it is suitably located on a major road (Upper Ottawa Street);

   ii) the combination of the proposed uses will provide a comprehensive development of the subject lands;

   iii) the proposal would be compatible with the existing and future proposed development in the area.

4. Given the concerns regarding the existing access grades for driveways to Upper Ottawa Street as expressed by the Hamilton-Wentworth Engineering Department, it would be appropriate to hold the By-law in abeyance until the matter is resolved to the satisfaction of the Commissioner of Regional Engineering.

5. The "M-12" (Prestige Industrial) District is subject to Site Plan Control By-law No. 79-275, as amended by By-law No. 87-223. Since there is an existing development agreement on the northern portion of the lands, an additional agreement is necessary for the southern portion of the lands. Matters such as landscaping, access, and parking will be addressed at that stage of development.

CONCLUSION

Based on the foregoing, the application can be supported.

MLT/ma
WPZA9022

21.

FOR ACTION

TO:	**SUSAN K. REEDER, SECRETARY PLANNING AND DEVELOPMENT COMMITTEE**	**DATE:**	**June 4, 1990**
		COMM FILE:	
		DEPT FILE:	**25CDM-90002**

FROM: **J. D. THOMS, COMMISSIONER PLANNING AND DEVELOPMENT DEPARTMENT**

SUBJECT: **Proposed Draft Plan of Condominium**

RECOMMENDATION:

That approval be given to application 25CDM-90002, "Regal Castle Condominium", Regal Castle Development Inc., owner, to establish a draft plan of condominium located at the south side of Limeridge Road East, west of Upper Wentworth Street and north of the future Mountain Freeway, subject to the following conditions:

1. That this approval apply to the plan prepared by A. J. Clarke and Associates Ltd., dated January 22, 1990, showing 44 units.

2. That the owner comply with the Development Standards to Control the Effects of Freeway Noise as adopted by Council on October 9, 1973, and subsequent amendments, and that a 15.24m easement be established on lands immediately adjoining the Freeway for the purpose of constructing a landscaped noise barrier.

3. That the owner satisfy the financial requirements of the Regional Municipality of Hamilton-Wentworth.

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

A. L. Georgieff, M.C.I.P.
Director - Local Planning

FINANCIAL IMPLICATIONS: N/A

BACKGROUND:

Owner:

Regal Castle Development Inc., Hamilton, Ontario

Surveyor:

A. J. Clarke & Associates Limited, Hamilton, Ontario

Location:

The lands, comprising 0.789 ha, are located on the south side of Limeridge Road East, west of Upper Wentworth Street and north of the Future Mountain Freeway, in the Bruleville Neighbourhood, City of Hamilton.

Proposal:

The owner proposes to erect a three-storey apartment building with 44 units as a condominium project.

EXISTING DEVELOPMENT CONTROLS

Hamilton-Wentworth Official Plan - the lands are identified as "Residential and Related Uses" within the "Urban Policy Areas". The proposal complies.

City of Hamilton Official Plan - the lands are designated "Residential". The proposal complies.

Neighbourhood Plan - the lands are designated for low density apartments. The proposal complies.

Zoning - the lands are zoned "DE" (Low Density Multiple Dwellings) District. The proposal complies.

Niagara Escarpment - the lands are not within the Development Control Area, therefore, the regulations do not apply.

COMMENTS FROM CIRCULATION

The following agencies have advised that they have no comment or objection toward the proposal:

- Ministry of Transportation;
- Ministry of the Environment;
- Ministry of Natural Resources;
- Ministry of Culture and Communications;
- Hamilton Region Conservation Authority;

- o Ontario Hydro, Union Gas and Bell Canada;
- o City Building Department;
- o City Traffic Department.

The Mountain East-West and North-South Transportation Corridor Project Office required that a standard berm easement be obtained.

The Regional Department of Engineering has submitted the following comments and recommendations:

"For information:

1) Public watermains are available on Limeridge Road East to service the proposed development.

2) Public storm and sanitary sewers are available on Limeridge Road East to service the proposed development.

3) The owner should submit this proposed draft plan of condominium to the Engineering Department's Freeway office for their comments, as this development borders the East/West Mountain Freeway property.

Recommendation:

1) The owner is to satisfy the Region's financial requirements regarding levies and servicing costs, prior to release of Final Plan of Condominium.

The submitted plan, as prepared by D. G. Fraser, O.L.S. and dated January 22, 1990 is satisfactory to this department subject to the above-noted comments and recommendations."

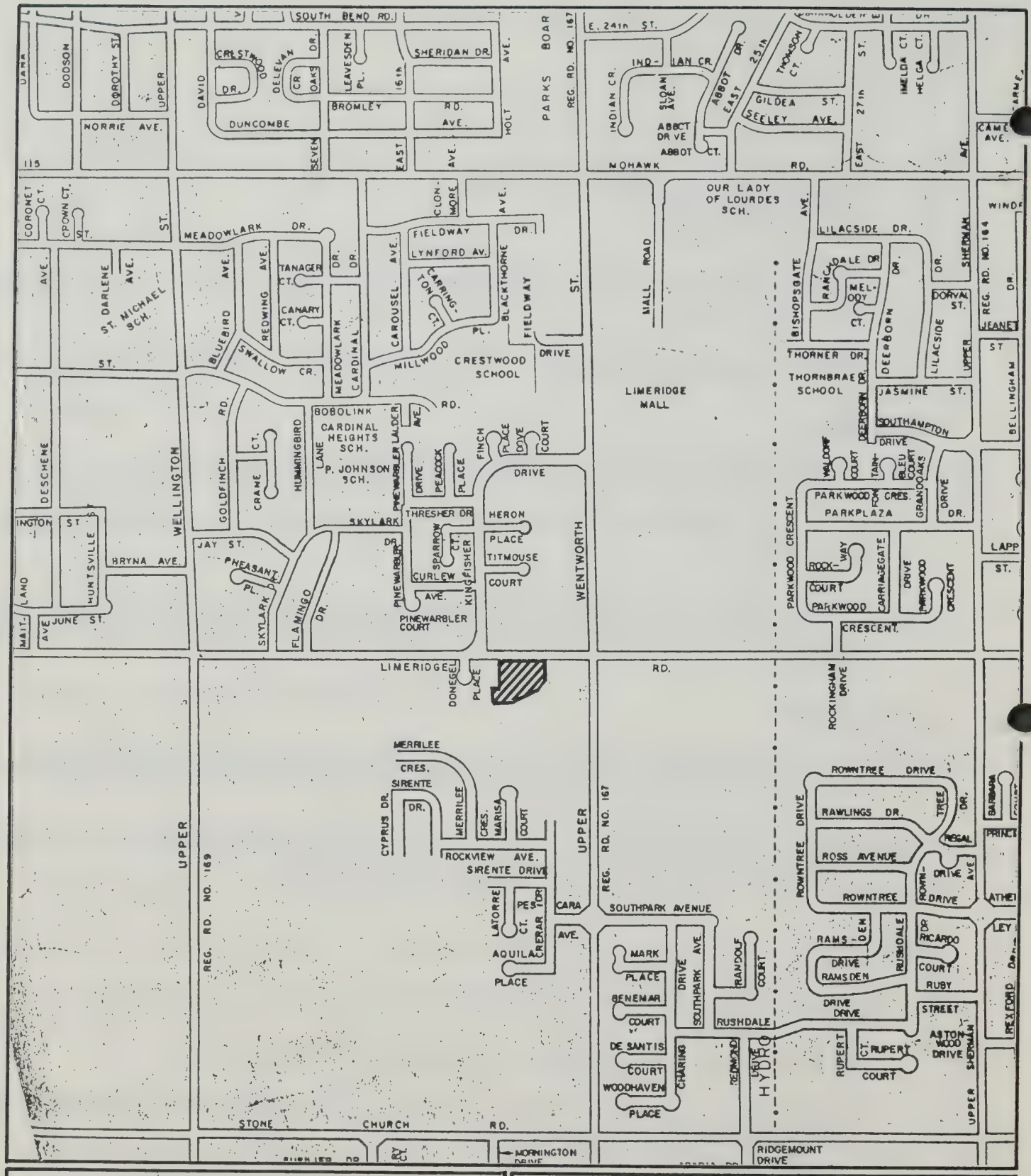
COMMENTS:

1. The conformity of the proposal with the Official Plans and the Zoning By-law is noted.

2. No commenting agency has objected to the proposed condominium project.

3. The owner received approval of a site plan under Application DA-89-97 for 44 apartment units, with which the condominium proposal conforms.

JLS/jd
CityRep
9002.CDM



Location Plan For

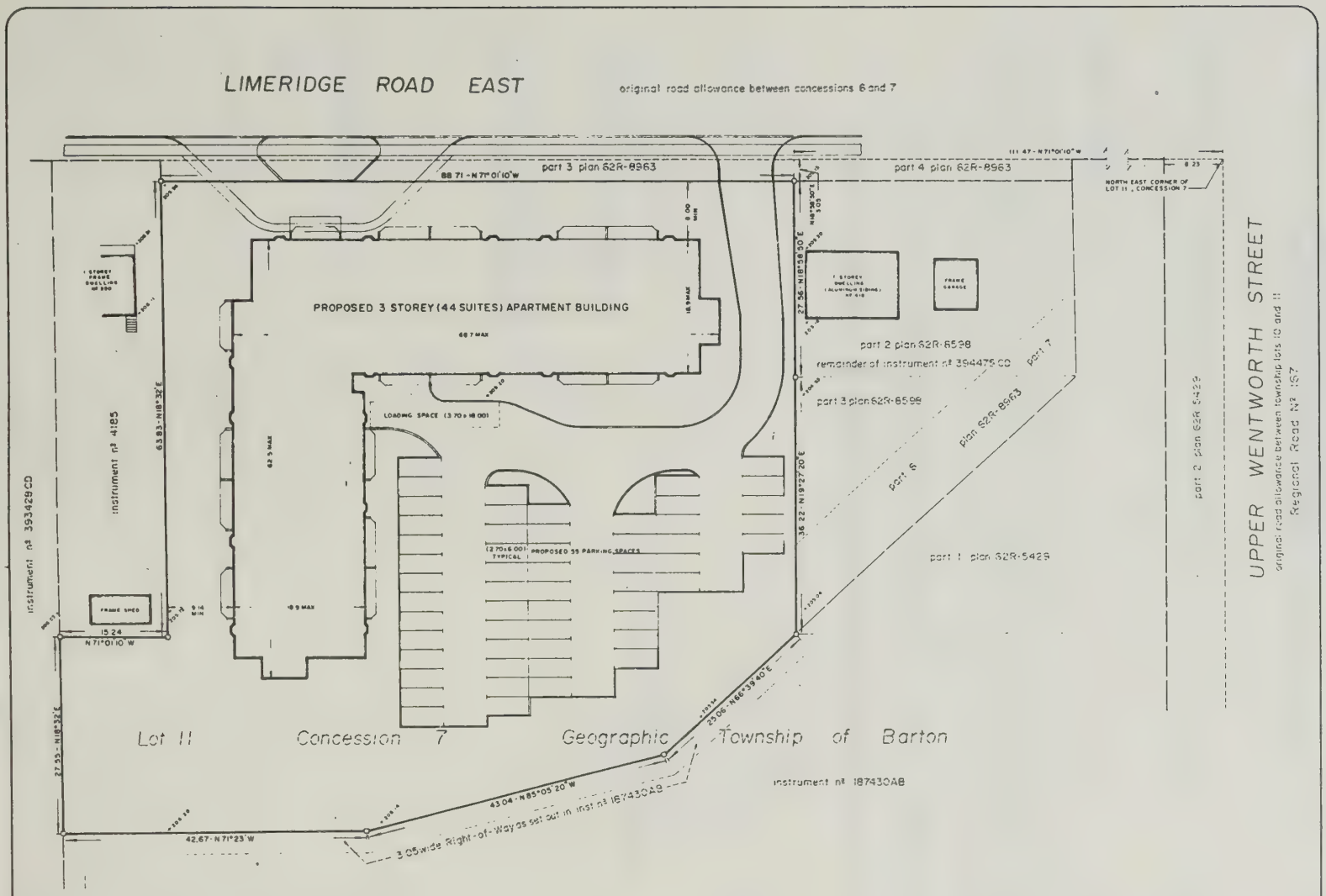
Regal Castle Condominium

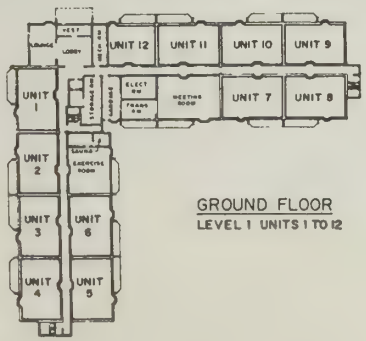
Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

PROPOSED CONDOMINIUM

North	Scale	Reference File No.
	1" = 1000	25CDM-90002
	Date	Drawing No.
	JUNE 1, 1990	





GROUND FLOOR
LEVEL 1 UNITS 1 TO 12

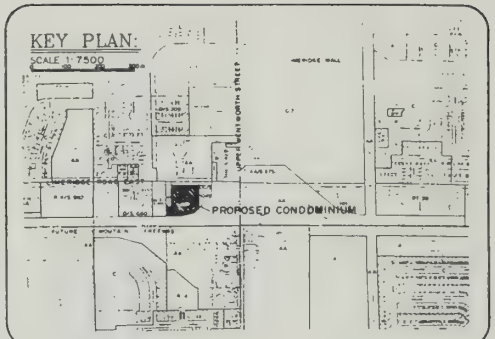


2nd & 3rd FLOOR
LEVELS 2&3 UNITS 1 TO 16

FRONT ELEVATION



KEY PLAN:
SCALE 1:7500



DRAFT PLAN OF :

Regal Castle Condominium

BEING A PROPOSED CONDOMINIUM PROJECT OF
PART OF LOT 11 – CONCESSION 7
GEOGRAPHIC TOWNSHIP OF BARTON
NOW IN THE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON – WENTWORTH
SCALE 1:300

D. B. Fraser O.L.S. – 1990

NOTE: THIS IS A DRAFT PLAN AND IS SUBJECT TO REVISION AND AMENDMENT.

METRIC: DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

RE CHAPTER 349-R.S.O.-1983 SECTION 50(3) THE PLANNING ACT

A. SHOWN ON THE PLAN	G. SHOWN ON THE PLAN
B. SHOWN ON THE PLAN	H. MUNICIPAL PIPED WATER AVAILABLE
C. SHOWN ON THE PLAN	I. CLAY LOAM
D. SEE LAND USE SCHEDULE	J. SHOWN ON PLAN
E. SHOWN ON PLAN	K. MUNICIPAL SERVICES TO BE INSTALLED BY SUBDIVIDER
F. SHOWN ON PLAN	L. SHOWN ON PLAN

SURVEYOR'S CERTIFICATE:

I, CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN

JANUARY 22, 1990
DATE

D. C. FRASER
ONTARIO LAND SURVEYOR

OWNER'S AUTHORIZATION:

WE, REGAL CASTLE DEVELOPMENT INC., BEING THE REGISTERED OWNERS OF THE SUBJECT LANDS HEREBY AUTHORIZE A.J. CLARKE AND ASSOCIATES TO PREPARE AND SUBMIT THIS DRAFT PLAN TO THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH FOR THEIR APPROVAL.

JANUARY 22, 1990
DATE

A Pietrorazio
ANTONIO PIETRORAZIO – PRESIDENT

LAND USE SCHEDULE:

TOTAL AREA OF SITE = 7889 m²
TOTAL NUMBER OF UNITS = 44 (1-1 BEDROOM 43-2 BEDROOM)
TOTAL NUMBER OF PARKING SPACES = 55 (2.70 x 6.00 TYPICAL)
1 LOADING SPACE (3.7 x 18.0)

CONSTRUCTION COMMENCING 1990

CONDOMINIUM DRAFT APPROVAL

SUBJECT TO THE CONDITIONS, IF ANY SET FORTH IN OUR LETTER DATED ..... 19 ..... THIS DRAFT PLAN IS APPROVED UNDER SECTION 50 OF THE PLANNING ACT AND SECTION 50 OF THE CONDOMINIUM ACT THIS .....DAY OF ..... 19 .....

COMMISSIONER OF PLANNING AND DEVELOPMENT
REGIONAL MUNICIPALITY OF HAMILTON WENTWORTH
AUTHORIZED BY BY-LAW No. R89-171

A. J. Clarke and Associates Ltd.
ONTARIO LAND SURVEYORS • CONSULTING ENGINEERS

22.

FOR ACTION

TO:	**SUSAN K. REEDER, SECRETARY PLANNING AND DEVELOPMENT COMMITTEE**	**DATE:**	**May 30, 1990**
		COMM FILE:	
		DEPT FILE:	**25CDM-90001**

FROM: **J. D. THOMS, COMMISSIONER PLANNING AND DEVELOPMENT DEPARTMENT**

SUBJECT: Proposed Plan of Condominium

RECOMMENDATION:

That approval be given to Application 25CDM-90001, "Stonechurch Industrial Park", Stonechurch Condominium Development Inc., owner, to establish a draft plan of condominium located at the south side of Stonechurch Road and west of Pritchard Road, subject to the following conditions:

1. That this approval apply to the plan prepared by J. D. Barnes Limited, dated December 13, 1989.

2. That the owner satisfy all financial requirements of the Regional Municipality of Hamilton-Wentworth.

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

A. L. Georgieff, M.C.I.P.
Director - Local Planning

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

Owner:

Stonechurch Condominium Development Inc., Hamilton, Ontario

Surveyor:

J. D. Barnes Limited, Hamilton, Ontario

Location:

The lands, comprising 0.27 ha, are located at the south side of Stonechurch Road East and west of Pritchard Road in the Hannon North Neighbourhood, City of Hamilton.

Proposal:

The owner has constructed a building with 8 industrial units as a condominium project.

EXISTING DEVELOPMENT CONTROLS

Hamilton-Wentworth Official Plan - the lands are identified as "Industrial Business Parks" within the "Urban Policy Areas". The proposal complies.

City of Hamilton Official Plan - the lands are designated "Industrial". The proposal complies.

Neighbourhood Plan - the lands are designated "Restricted Industrial". The proposal complies.

Zoning - the lands are zoned "M14" (Prestige Industrial) District. The proposal complies.

Niagara Escarpment - the lands are not within the Development Control Area, therefore, the regulations do not apply.

COMMENTS FROM CIRCULATION

The following agencies have advised that they have no comment or objection toward the proposal:

Ministry of Transportation;
Ministry of Natural Resources;
Ministry of Industry and Tourism;
Hamilton Region Conservation Authority;
Ontario Hydro, Union Gas and Bell Canada;
City Traffic Department;
City Building Department.

The Hamilton-Wentworth Department of Engineering has submitted the following comments and recommendations:

"For Your Information

1. Municipal watermain is available at the present time to service the proposed development.

2. Municipal storm and sanitary sewers are available at the present time to service this proposed development.

3. In conjunction with the application, the applicant has previously submitted a plan and is under site plan control, DA-87-66 for this property and all comments on grading, widenings, setbacks etc. would be dealt with through the previous site plan application.

4. There will be no Regional Cost Share for services to this proposed development.

Recommendations

1. The owner is to satisfy all financial requirements of the Regional Municipality of Hamilton-Wentworth.

The plan as submitted, and prepared by J. D. Barnes Limited and dated December 13, 1989, is satisfactory to this Department subject to the above-noted comments and recommendations."

COMMENTS

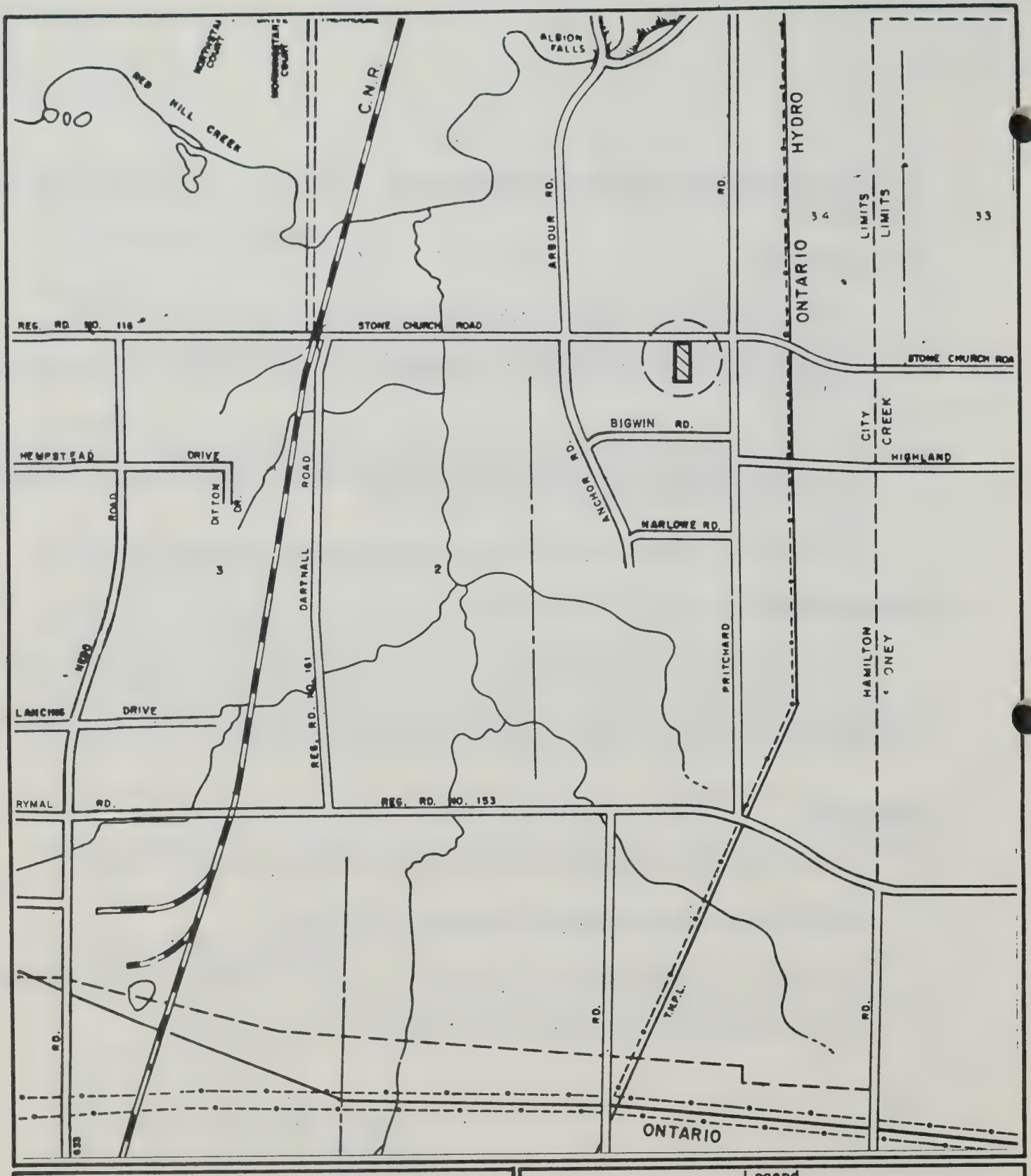
1. The conformity of the proposal with the Official Plans and the Zoning By-law is noted.

2. No commenting agency has objected to the plan of condominium.

3. The lands of the proposed draft plan of condominium are Lot 6 of Registered Plan No. 62M-246.

4. The owner received Site Plan Approval under DA-87-66 on February 2, 1988.

JLS/jd



Location Plan For

DRAFT PLAN OF CONDOMINIUM
COMPRISING
ALL OF LOT 6
ACCORDING TO
STONE CHURCH INDUSTRIAL PARK
REGISTERED PLAN No. M-246

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

PROPOSED CONDOMINIUM

North	Scale	Reference File No.
	NOT TO SCALE	25CDM-90001
	Date	Drawing No.
	JAN. 24, 1990	

INTENDED USE	DATE OF CONSTRUCTION	TOTAL AREA OF PROPERTY	PARKING PROVIDED
8 INDUSTRIAL UNITS	1988	2919 SQ. M.	24 SPACES

CAUTION

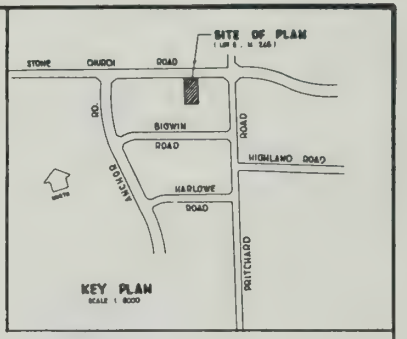
THIS PLAN IS A DRAFT PLAN ONLY AND IS SUBJECT TO REVISION AND AMENDMENT.

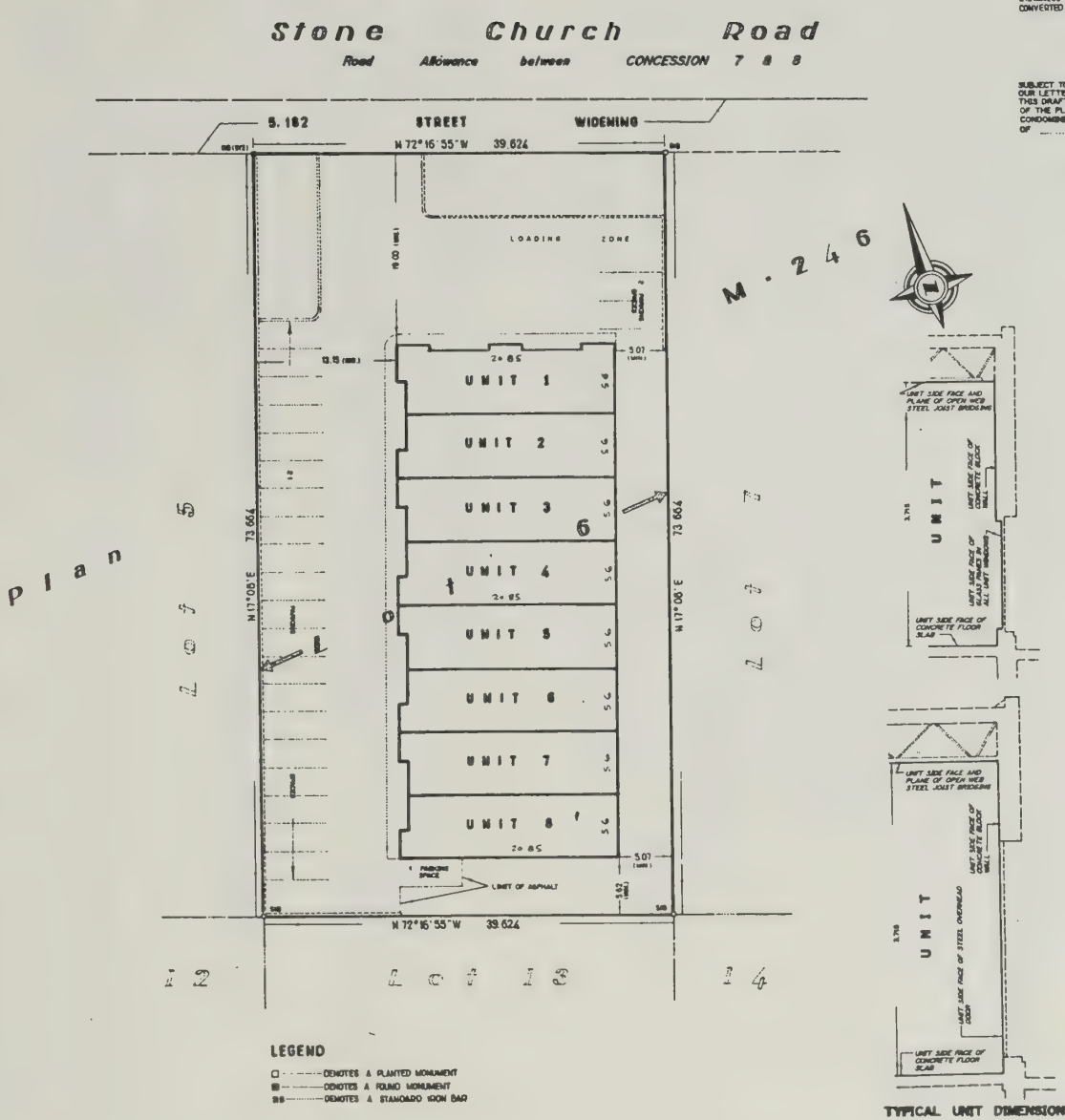
METRIC

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

SUBJECT TO THE CONDITIONS, IF ANY, SET FORTH IN OUR LETTER DATED 1989.
THIS DRAFT PLAN IS APPROVED UNDER SECTION 50 OF THE PLANNING ACT AND SECTION 50 OF THE CONDOMINIUM ACT THIS ____ DAY OF ____ 1990.

COMMISSIONER OF PLANNING AND DEVELOPMENT
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
AUTHORIZED BY BY-LAW No. R89-171





LEGEND

- ○ ------ DENOTES A PLANTED MONUMENT
- ● ------ DENOTES A FOUND MONUMENT
- ⊕ ------ DENOTES A STANDARD IRON BAR

TYPICAL UNIT DIMENSIONS
(VERTICAL - NOT TO SCALE)

DRAFT PLAN OF CONDOMINIUM
COMPRISING
ALL OF LOT 6
ACCORDING TO
STONE CHURCH INDUSTRIAL PARK
REGISTERED PLAN No. M-246
IN THE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

SCALE 1 250
5 0 10 20 METRES

J. D. BARNES LIMITED
1989

OWNER'S CERTIFICATE

WE HEREBY AUTHORIZE J. D. BARNES LIMITED ONTARIO LAND SURVEYORS, TO SUBMIT THIS PLAN FOR APPROVAL.
Dated at Hamilton this 13th day of December, 1989.
STONE CHURCH CONDO DEVELOPMENT

EZIO COLLE
Secretary-Treasurer
I have the authority to bind the Corporation

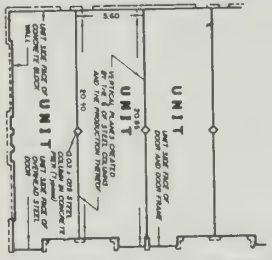
SURVEYOR'S CERTIFICATE

I CERTIFY THAT:
THE BOUNDARIES OF THE LANDS UNDER APPLICATION BY THIS PLAN AND THEIR RELATIONSHIP TO THE ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN

December 13, 1989
DATE
JOHN BOYD
ONTARIO LAND SURVEYOR

SCHEDULE RE: SECTION 50 (2) OF THE PLANNING ACT

A) SHOWN ON PLAN
B) SHOWN ON PLAN
C) SHOWN ON PLAN
D) 8 CONDOMINIUM UNITS
E) INDUSTRIAL
F) SHOWN ON PLAN
G) SHOWN ON PLAN
H) MUNICIPAL WATER AVAILABLE
I) CLAY LOAM
J) SHOWN ON PLAN
K) MUNICIPAL SERVICES AVAILABLE
L) NONE



TYPICAL UNIT DIMENSIONS
(HORIZONTAL - NOT TO SCALE)

J.D. BARNES LIMITED
SURVEYING, MAPPING, LAND INFORMATION SERVICES
20 JACKSON STREET WEST * SUITE 400
HAMILTON * ONTARIO PHONE (416) 522-358

DRAWN BY	CHECKED BY	REFERENCE NO
RCP		89-29-439-0

R - 2609

23.

FOR ACTION

TO: SUSAN K. REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: May 28, 1990
COMM FILE:
DEPT FILE: 25T-76046

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT:

Extension of Draft Approval for "Ridgeview Estates" Subdivision.

RECOMMENDATION:

That the Region be requested to grant a two year extension to the draft approval for "Ridgeview Estates" subdivision (Regional File No. 25T-76046).

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

A. L. Georgieff, M.C.I.P.
Director - Local Planning

Owner: T. Valeri Construction Limited

History:

Ridgeview Estates (formerly Butler No. 1), Butler Neighbourhood:

Draft approved May 29, 1978, for 72 lots for single-family dwellings, 40 lots for "zero-lot line" single family dwellings, 36 lots for semi-detached dwellings (72 units) and a block for medium density apartments (approximately 65 units).

Extended in 1981, 1982, 1983, 1984, 1985, 1986, 1989 and 3 month interim extension in 1990.

Present lapsing date August 29, 1990.

Requesting a further extension for a 2 year period on the basis that "the current market conditions do not present favourable development".

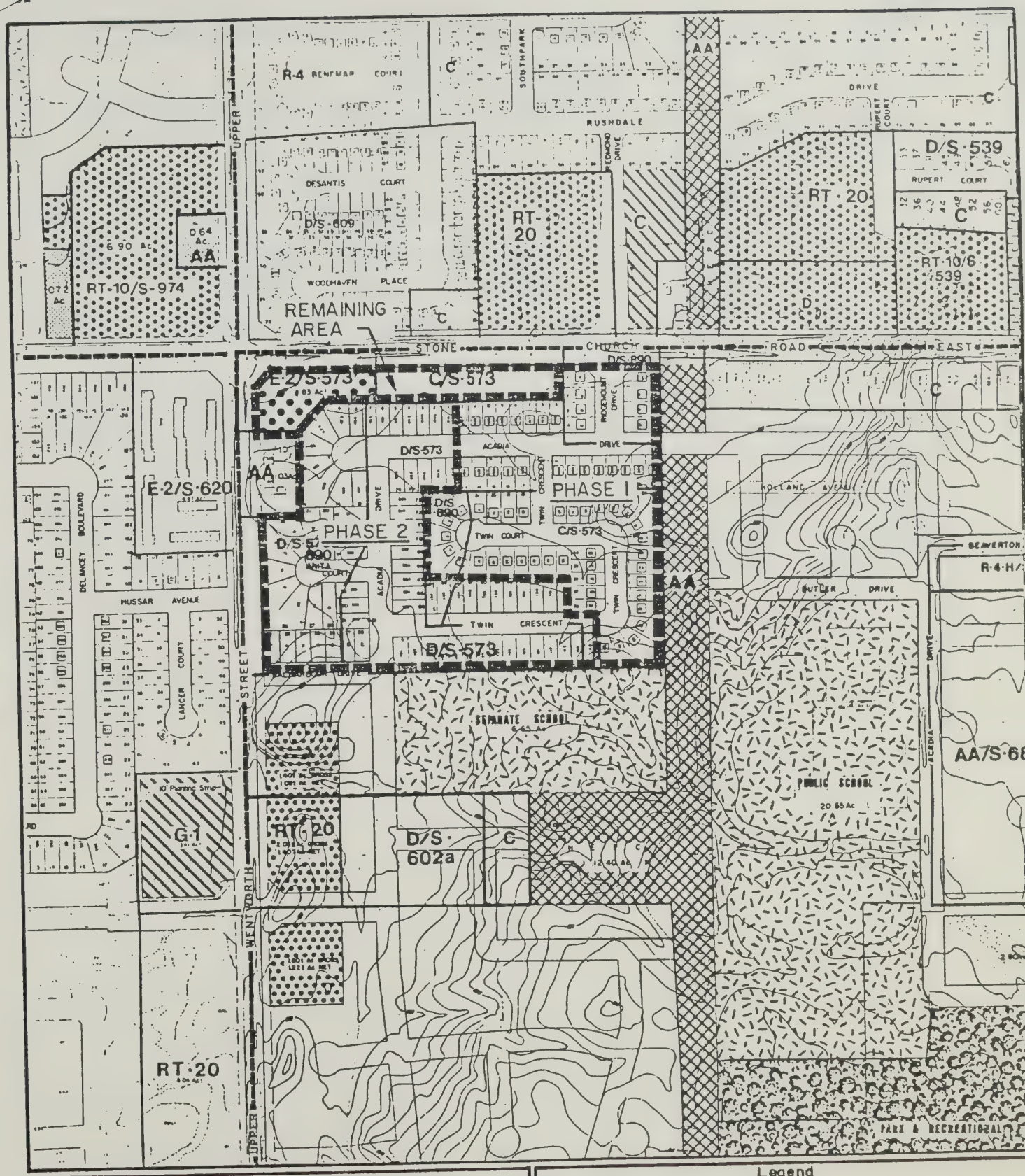
Two phases of the development have been registered and the final plans for Phase 3 have been prepared for inclusion in the Subdivision Agreement. A fourth phase, which will complete the development, will be processed subsequent to registration of Phase 3.

CONCLUSIONS:

The City of Hamilton originally recommended approval of the aforementioned draft plan subject to certain conditions which were subsequently included in the conditions of approval established by Regional Council.

The conditions of approval are still appropriate and no requests have been made to revise the plan or the conditions, therefore, the extension can be supported.

JLS/CMD/ll
P&DReport
25T76046



Location Plan For

"RIDGEVIEW ESTATES"

Regional Municipality of Hamilton-Wentworth

Legend

AREA OF PLAN OF SUBDIVISION

North	Scale	Reference File No.
	N. T. S.	25T-76046
	Date	Drawing No.
	APR. 18, 1989	

24.

Corporation of the City of Hamilton

Memorandum

****

TO: Mr. A. Georgieff
Director of Local Planning

YOUR FILE:

FROM: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

OUR FILE:
PHONE:

SUBJECT: **Windermere Basin Land Use Disposition.**

DATE: 1990 June 1

As you are aware the Planning and Development Committee at its meeting held Wednesday, 1990 May 23 were in receipt of a report from the Commissioner of Planning and Development dated 1990 May 16, respecting the above-noted matter.

As the Committee meeting was particularly long due to the number of agenda matters and size of several delegations respecting those items, the Committee agreed to **TABLE** the above-noted matter until their June meeting. Accordingly, I will place this matter back on the agenda for the June Committee meeting.

Trusting that confirmation of this matter is of assistance to you.

Susan K. Reeder.

FOR ACTION

REPORT TO:	SUSAN REEDER, SECRETARY PLANNING AND DEVELOPMENT COMMITTEE	DATE: COMM.FILE:	MAY 30, 1990 Revised
FROM:	J. D. THOMS, COMMISSIONER PLANNING AND DEVELOPMENT DEPARTMENT	DEPT.FILE:	P5-9-2-30

SUBJECT

Windermere Basin Land Use Disposition.

RECOMMENDATION

1. That the Planning and Development Committee direct staff to:

   a) establish a working committee to undertake a study to determine the future use of the land recently created in Windermere Basin. This working committee should include representation from the following:

      - Planning and Development Department;
      - Engineering Department;
      - Hamilton Region Conservation Authority;
      - Hamilton Harbour Commissioners;
      - Stelco; and,
      - Health Department.

   b) to ensure that specific areas to be explored by this study include:

      - urban design considerations with emphasis on gateway treatments, views from the skyway, aesthetics, and others;
      - suitability for development (soil stability, etc.);

- land owners' intentions;
- land use compatibility; and,
- other agencies' concerns.

c) ensure the working committee reviews and refines these terms of reference if necessary.

2. That the Transport and Environment Committee be advised of the Planning and Development Committee's direction to staff to undertake a study to determine the future use of Windermere Basin as detailed in the attached report.

A. L. Georgieff, M.C.I.P.
Director of Local Planning

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

EXPLANATORY NOTE

The Planning and Development Committee requested staff to prepare a brief outline on the means to determine the future use of the land created at Windermere Basin. Since the Transport and Advisory Committee tabled a report on Windermere Basin because of the land use issue, amongst others, then they should be aware of a direction of the Planning and Development Committee to do a study on land use in Windermere Basin.

BACKGROUND

The City of Hamilton Official Plan identifies the Windermere Basin in the East Harbour as a Special Policy Area on Schedule "A" (Land Use Concept) and Schedule "B" (Special Policy Areas). Further, Policy A.2.9.3.2 states that Windermere Basin:

> "... is established as an area subject to detailed special study by the appropriate agencies and water lot owners concerned in order to determine the most appropriate use of the Basin in the Official Plan. Council will, upon review of the findings and recommendations of such studies as may be carried out, consider an appropriate designation and initiate an amendment to this Plan."

In May, 1986, Hamilton-Wentworth Council endorsed a report of the Engineering Services Committee recommending a program to partially dredge and fill, be adopted as the preferred solution for the clean-up of the Basin.

Prior to the clean-up, the Hamilton Harbour Commissioners owned the waterlots to the north adjacent to Pier 25 and Stelco owned the waterlot to the south adjacent to their land holdings. To facilitate the clean-up, Stelco sold their waterlots to the Harbour Commissioners with an option to buy back the land area created from their former waterlots.

A recent report to the Transport and Advisory Committee advises that actual work on the clean-up commenced in November 1988, and continued to February 1990. Yet to be completed is the landscaping, vegetation, tree planting and construction of rip-rap walls to prevent erosion of the berms. This work is expected to be completed during 1990 and 1991. This same report recommended the City provide further funding towards the increased costs of the clean-up. At their March 5, 1990 meeting, the Transport and Environment Committee tabled this request "until such time as the process to ownership and use of the newly created lots has been agreed to". In February, the Region's Engineering Services Committee tabled a similar item.

The Planning and Development Committee, at their meeting of May 2, 1990, expressed a concern regarding the future land use of Windermere Basin in light of other Harbour-related matters. As a result of that discussion, the Committee requested staff to:

- prepare a "one page sketch" on the means to determine the future land use of the Basin; and,
- a list of the membership of the Windermere Basin Technical Advisory Committee also be prepared.

Land Use Determination

Given that:

- the City's Official Plan sets the stage to undertake a "detailed special study by the appropriate agencies and water lot owners concerned...to determine the most appropriate use of the Basin in the Official Plan...";
- the actual clean-up of the Basin is nearing completion except for landscaping, etc.;
- the Committee's recent concern about the future use of the Basin; and,
- the importance of the area as a City gateway.

A preliminary framework to undertake a study for the future use of Windermere Basin has been drafted for your consideration.

The Official Plan specifies that the study be undertaken by the "appropriate agencies and water lot owners". On this basis, it is appropriate to first establish a working committee with suggested representation from the following:

- Planning and Development Department;
- Engineering Department;
- Hamilton Region Conservation Authority;
- Hamilton Harbour Commissioners;
- Stelco; and,
- Health Department.

Input should also be sought from: the Ministry of Environment, the Hamilton Naturalist Club, and the Remedial Action Plan Team, amongst others, throughout the study.

This committee should focus on developing options for the future land use of Windermere Basin. Specific areas which should be explored include:

- urban design considerations with particular emphasis on gateway treatments, views from the skyway, aesthetics, and others;
- suitability for development i.e., soil stability;
- the land owners' intentions for the land;
- land use compatibility with adjacent lands; and,
- other member agencies' concerns.

Other considerations may be identified after the Committee has met.

The working committee should initially refine and detail these areas of exploration. In addition, they will monitor and provide input into the actual study, which will be undertaken by the Planning and Development Department. Once some land use options have been identified, they should be brought forward to the Planning and Development Committee for direction to hold a Public Meeting. The Public Meeting will offer public comment on the options which could be further refined.

Final recommendations will then be made to Committee and Council on the necessary amendments to the Official Plan and zoning by-law.

It is estimated this study could take 70 consecutive days to complete, or approximately three-quarters of a year of elapsed time. The project could begin in October, 1990, and the final recommendations could be made to Committee in June, 1991.

Windermere Basin Technical Advisory Committee

The Windermere Basin Technical Advisory Committee (W.B.T.A.C.) was established in 1984 for the purpose of assisting the Ministry of Environment in seeking a solution to remove contaminated sediment from the Basin. As of December, 1985, the Committee included the following:

- Hamilton-Wentworth Region - Engineering Department - K. Brenner and S. Spencer;
- City of Hamilton (Laboratories) - V. Forde;
- Hamilton Harbour Commissioners - B. Hennessey;
- Hamilton Region Conservation Authority - B. Vanderbrug;
- Ministry of Environment - S. Irwin, J. Mayer, R. Stuart; and,
- Environment Canada - I. Orchard.

In June, 1986, City Council endorsed a resolution "That a representative with the appropriate planning expertise be added to the membership of the Windermere Basin Technical Advisory Committee . . ." Recent discussions with the Engineering Department indicate that once the decision on the means of clean-up of the Basin and the proponent had been made, W.B.T.A.C. became inactive. There is no indication in the Planning Department's files that a member of staff ever attended a W.B.T.A.C. meeting.

CONCLUSION

Based on the foregoing, it seems appropriate to establish a working committee comprised of a representative from: the Planning and Development Department; the Region's Engineering Department; the Hamilton Region Conservation Authority; the Hamilton Harbour Commissioners; Stelco and the Health Department to undertake a study to determine the future use of Windermere Basin. Specific areas this committee should explore include:

- urban design considerations with emphasis on gateway treatments, views from the skyway, aesthetics, etc.;
- suitability for development (soil stability, etc.);

- land owners' intentions;
- land use compatibility; and,
- other agencies' concerns.

Further, since the Transport and Environment Committee has recently tabled a request for additional funding for the clean-up, partially on the basis of land use (as noted previously), then that Committee should be advised of the Planning and Development Committee's direction to undertake a study to determine the future use of the Windermere Basin. The Transport and Environment Committee may then wish to make a decision on the funding for the clean-up on this basis.

CF:CS/ns
Winder.Bas

25.

FOR ACTION

REPORT TO: ALDERMAN JOHN SMITH, CHAIRMAN AND WARD ALDERMAN OF THE PLANNING AND DEVELOPMENT COMMITTEE

DATE: June 11, 1990
COMM. FILE:
DEPT. FILE: DA-89-98
Hannon North Neighbourhood

FROM: J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT:

Site Plan Control Application DA-89-98 to amend DA-84-20 for an extension and alteration to the existing trailer assembly facility at 81 Dartnall Road.

RECOMMENDATION

That approval be given to Site Plan Control Application DA-89-98 to amend DA-84-20 by Ernie and Joyce Monkley, owners of lands known as 81 Dartnall Road for an extension & alteration to an existing trailer assembly facility, subject to the following:

1. i) modification to the plan in relation to notes and dimensions as marked in red on the plans;

   ii) submission of a revised grading plan to the satisfaction of the Commissioner of the Hamilton-Wentworth Engineering Department;

   iii) dedication of lands along Dartnall Road, as shown on the plans, for the purpose of a road widening; and,

   iv) approval by the Committee of Adjustment for the following variances:

      1. to permit six (6) of the required parking spaces to be within the required 6.0 m min. landscape strip along Dartnall Road;

      2. to permit a portion of the access driveway to encroach 3.0 m maximum into the required 6.0 m min. landscape strip along the northerly lot line;

      3. to permit the pylon sign to be located within the 6.0 m minimum landscape strip along Dartnall Road and less than 5.4 m min. from the front lot line;

4. to permit a 4.5 m wide manoeuvring space aisle width between parking spaces 11 and 12 and the rear porch of the dwelling;

5. to permit a 1.0 m wide planting strip between the boundary of the residential district to the rear and the parking area, instead of the required 1.5 m minimum;

6. to permit a .79 m minimum rear yard and a 1.416 m minimum southerly side yard for the existing storage garage, located at the south-east corner of the property, instead of the required 1.0 m rear yard and 5.0 m southerly side yard;

7. to permit an industrial building and use to be situated less than 90.0 m away from an existing residential use;

8. to permit 3 access driveways to the site instead of the one permitted by By-law No. 85-35; and

2. That the following resolution be forwarded to City Council for approval;

That in regard to Site Plan Control Application DA-89-98 by Ernie and Joyce Monkley, owners of lands known as 81 Dartnall Road for an extension and alteration to an existing trailer assembly facility, that the following be approved:

a) That the plans and drawings of the Site Plan Control Application DA-84-20, registered on title on February 13, 1985, as Instrument No. 305176 C.D., be amended by the plans and drawings of Site Plan Application DA-89-98.

EXPLANATORY NOTE

Since the previous plans and drawings under Site Plan Control Application DA-84-20 are registered on title as Instrument No. 305176 C.C, it is necessary to amend this agreement with the plans and drawings approved under Site Plan Control Application DA-89-98.

A.L. Georgieff, M.C.I.P.
Director of Local Planning

J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

BACKGROUND

Plans have been submitted to amend DA-84-20 for an extension and alteration to the existing trailer assembly facility at 81 Dartnall Road. The details of the development are as follows:

• Lot Area			-	1543.533 m^2	
• Gross Floor Area	o	Existing	-	Residence	87.00 m^2
			-	Storage Shed	56.73 m^2
					143.73 m^2
	o	Proposed	-	Two (2) storey industrial building (includes approximately 121.5 m^2 of existing industrial building)	499.36 m^2
			-	TOTAL	643.09 m^2 (Max.)
• Building Height			-	8.8 m max.	
• Parking Spaces provided			-	13 (industrial): 13 required 1 (residence): 1 required 14 TOTAL	

The exterior of the proposed building will be constructed of decorative concrete block and prefinished metal siding and will have a sloping roof. The existing landscape treatment will remain with additional landscaping as shown on the plan.

COMMENTS RECEIVED

- The Hamilton-Wentworth Engineering Department has advised that the grading plan requires clarification and modification in accordance with their comments. A revised grading plan should therefore be submitted to the satifaction of the Commissioner of the Hamilton-Wentworth Engineering Department. Since the designated road allowance width of Dartnall Road is 36.58 m (120 feet), a portion of the property along the westerly lot line is required for the purpose of a road widening. Therefore, as a condition of site plan approval the land shown in yellow on the plan should be dedicated to the Region for the purpose of a road widening and the land shown in green, which is the ultimate widened limits of Dartnall Road, should be acquired when the existing house is removed.

Furthermore, the existing fences should be relocated to private property, as should be the sign and catch basin.

- The Building Department has reviewed the revised plans submitted and has forwarded the following comments:

"1. A minimum 6.0 m wide planting strip has not been provided along the entire northerly lot line.

2. The required 6.0 m wide planting strip has not been provided abutting the full length of the front lot line except for an access driveway.

3. The required 1.5 m wide planting strip has not been provided abutting the full length of the southerly lot line.

4. The proposed building does not provide the required 5.18 m minimum northerly side yard setback.

5. The proposed ground sign shall be a least 5.4 m from the front lot line (road widening).

6. With regards to the planting strip abutting the front lot line there shall be only one access driveway. The proposal has three access driveways, two of which are also located within the required planting strips along the northerly and southerly lot lines.

7. The existing building located in the southeast corner of the lot having an area of 55.2 m^2 was not indicated on the site plan for the amending Zoning By-law 89-199 and this Department has no record of a building permit.

8. This building does not provide the 1.0 m rear yard, 5.0 m southerly side yard and does not provide the 1.5 m wide planting strip abutting the southerly lot line.

9. The lot area shall indicate the area after the road widening.

10. The total floor area shall include the first and second floor area of all buildings excluding the dwelling unit.

11. Based on a total floor area of 499.36 m^2 and one dwelling unit this proposal required fourteen (14) parking spaces.

12. The office area is considered as an accessory use to an industrial use. The floor area of the office is restricted to a maximum of 83.5 m^2.

13. A 5.5 m wide access driveway is required to be provided for the parking area. It appears that the access driveway adjacent to the southerly lot line and the concrete porch to the rear of the dwelling and the loading area are insufficient.

14. The required 6.0 m wide manoeuvring space aisle width has not been provided between parking spaces 11 and 12 and the rear porch of the dwelling.

15. A 1.5 m planting strip is required between the boundary of the residential district to the rear and the loading area.

NOTE: No loading spaces are required under By-law 85-35 as amended by By-law 89-199.

16. It appears that the building on the lot to the south known as 91 Dartnall Road is used solely for residential purposes, therefore no industrial building or use shall be situated less than 90.0 m away.

NOTE: This development was previously DA-84-20."

The applicant should review the development plans in relation to these comments and revise them accordingly.

- The Traffic Department has reviewed the revised plan submitted and has found it to be satisfactory subject to the northerly access being revised, as shown in red on the plan.

COMMENTS

Various modifications are required to the plan in relation to notes, dimensions and landscaping and have been marked in red on the plan.

The applicant has requested the following variances to By-law 89-199:

1. to permit six (6) of the required parking spaces to be within the required 6.0 m min. landscape strip along Dartnall Road;

2. to permit a portion of the access driveway to encroach 3.0 m maximum into the required 6.0 min. landscape strip;

3. to permit the pylon sign to be located within the 6.0 m minimum landscape strip along Dartnall Road;

4. to permit a 4.5 m wide manoeuvring space aisle width between parking spaces 11 and 12 and the rear porch of the dwelling;

5. to permit a 1.0 m wide planting strip between the boundary of the residential district at the rear of the property and the parking area, instead of the required 1.5 m minimum distance;

6. to permit a .79 m minimum rear yard and a 1.416 m minimum southerly side yard for the existing storage garage, located on the south-east corner of the property, instead of the required 1.0 m rear yard and 5.0 m southerly side yard;

7. to permit an industrial building and use to be situated less than 90.0 m away from an existing residential use; and,

8. to permit 3 access driveways to the site instead of the one permitted by By-law No. 85-35.

The Planning and Development Department supports the above-mentioned variances for the following reasons:

1. The redevelopment of this property requires the present owner to dedicate to the Region approximately 9.0 m of land along Dartnall Road for the purpose of a road widening. The reduction of nine (9) meters being approximately one quarter of the depth of the entire property along the northerly boundary would result in a substantial loss of land, and this would render the land virtually impossible to provide the required parking/manoeuvring on the site for the proposed development;

2. The proposed reduction of landscape area to provide parking and access driveways is minor in nature;

3. The location of the proposed pylon sign is restricted by the site configuration;

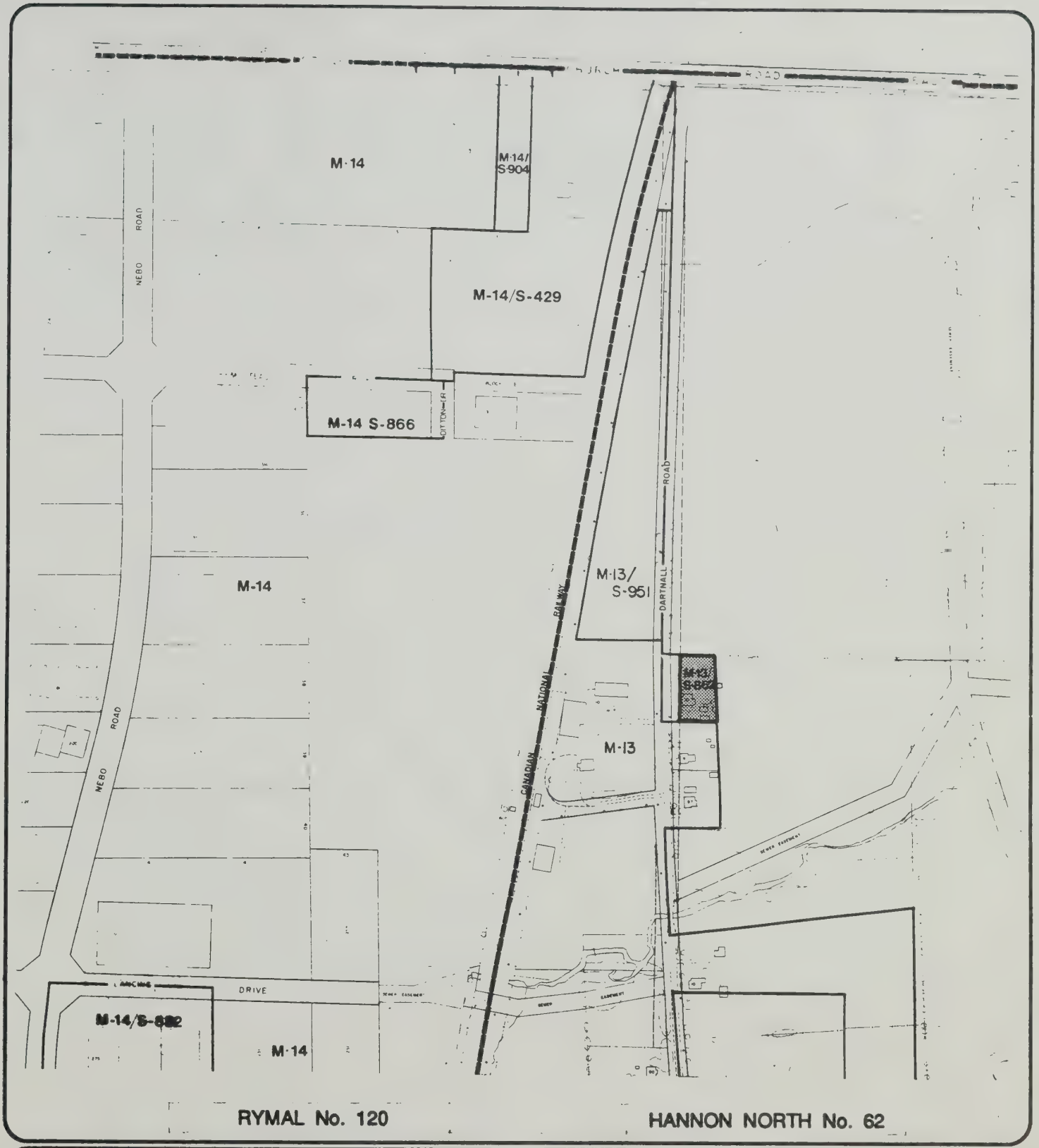
4. The reduced manoeuvring space for the vehicles is restricted by two existing buildings;

5. The number of access driveways is necessary for efficient use of the land for the proposed development.

The applicant should submit an application to the Committee of Adjustment for approval.

Since the previous plan and drawings under Site Plan Control Application DA-84-20 are registered on title as Instrument No. 305176 C.D., it is necessary to amend this agreement with the plans and drawings under Site Plan Control Application DA-89-98. A resolution to this effect should therefore be forwarded to City Council for their approval.

JL/JPS/ma
WPDA8998



City of Hamilton

Plan Showing Lands Subject to

Site Plan Control Application DA-89-98

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

Site of the Application

North	Scale	Reference File No.
	1:5000	DA-89-98
	Date	Drawn By
	NOVEMBER, 1989	T.A.

CA4 ON HBL A05
CS1 P4 1990
URBAN/MUNICIPAL

K.E. AVERY
CITY CLERK

J.J. SCHATZ
DEPUTY CITY CLERK

THE CORPORATION OF THE CITY OF HAMILTON

OFFICE OF THE CITY CLERK

Urban Municipal
Librarian/Central
Library

HAMILTON, ONTARIO
L8N 3T4

TEL: 546-2700
FAX: 546-2095

1990 June 22nd

URBAN MUNIC. AL
AUG 27 [illegible]
GOVERNMENT DOCUMENTS

Mr. E. W. Kowalski, Director of Community Development
Mr. S. Ghanem, Director of Economic Development
Mr. T. Gill, Acting Engineering Commissioner
Attention: Mr. K. Brenner
Mr. M. Main, Director of Traffic Services
Attention: Mr. R. Karl
Ms. Diana Pasko, Planning Department
Mr. E.G. Beres, Regional Assessment Commissioner
Urban Municipal Librarian, Central Library

Attached herewith are the minutes of the Planning and Development Committee meeting held Wednesday, 1990 May 2nd.

These minutes were approved by the Committee at its meeting held Wednesday, 1990 June 20th.

Yours very truly,

Susan K. Reeder.

Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

Attch.

c.c.'s
- Manager, C.M.H.C.
- Hamilton & District Chamber of Commerce
  Attention: Kathy Drewitt
- Mr. V. Mauceri, Manager, Research Dept., H.S.R.
- Mr. Paul E. Shewfelt, Board of Education
- Mr. Douglas Kelterborn, Board of Education
- Mr. T. Cupido, Superintendent of Plant, Hamilton Separate School Board
- Mr. M. D. Crowley, Southam Communications Ltd.
- Mr. D. Miller, Canada Life, London, Ontario
- Durand Neighbourhood, c/o Ruth Morrison
- Mr. Rob Hager, Research Statistician, Oshawa Foods

Wednesday, 1990 May 2
9:00 o'clock a.m.
Room 233, City Hall

The Planning and Development Committee met.

There were present: Alderman J. Smith, Chairman
Alderman F. Lombardo, Vice-Chairman
Alderman M. Kiss
Alderman D. Christopherson
Alderman D. Drury
Alderman H. Merling
Alderman W. McCulloch

Regrets: Mayor Robert M. Morrow - Civic Business
Alderman D. Ross - Regional Business

Also present: Alderman T. Cooke
Alderman G. Copps
Mr. Kelterborn, Board of Education
Mr. A. Georgieff, Director of Local Planning
Mr. P. Mallard, Planning Department
Mr. P. Lampman, Deputy Building Commissioner
Mr. D. Pickard, Building Department
Mr. B. Janssen, Planning Department
Mr. K. Brenner, Regional Engineering Department
Ms. Patrice Noé Johnson, City Solicitor
Mr. P. Hooker, City Solicitor's Office
Mr. J. Sakala, Planning Department
Mr. K. Christenson, Waterfront Project Co-ordinator
Mr. J. Robinson, Community Development Department
Mrs. C. Floroff, Planning Department
Mr. B. Loreto, City Solicitor's Office
Ms. M. Tanner, Planning Department
Mrs. Susan K. Reeder, Secretary

Minutes - 1990 April 4.

The Committee was in receipt of the minutes of their meeting held Wednesday, 1990 April 4 and approved these minutes.

Demolition Permit Applications.

The Committee was in receipt of a report from the Building Commissioner dated 1990 April 23, respecting Demolition Permit Applications. The Building Commissioner recommends that properties at 150 and 152 Catharine Street South be tabled since they are of interest to L.A.C.A.C.

The Committee discussed this matter and approved the following:

That the Building Commissioner be authorized to issue a demolition permit for the following property:

(a) 279 Lake Avenue North.

NOTE: Demolition permit applications for properties at 150 and 152 Catharine Street South have been tabled, since they are of interest to L.A.C.A.C., with the understanding that these applications will be brought back to the Planning and Development Committee at its next meeting for consideration.

NOTE: Alderman Lombardo opposed.

L.A.C.A.C. input on Demolition Permit Applications.

Some discussion also ensued with respect to properties of interest to L.A.C.A.C. at the Demolition Permit Application stage. Several members of the Committee expressed concern at the appearance of L.A.C.A.C. reacting to this type of occurrence at the last minute. Mrs. Nina Chapple of the Planning Department indicated that this is the earliest opportunity that L.A.C.A.C. has to respond, in accordance with the process of notification internally which has been established.

The Committee requested that staff review the current process of notification of Demolition Permit Applications and other planning matters with L.A.C.A.C., in order that it not appear that L.A.C.A.C. is reacting at the last minute.

1990 Submission - Business Improvement Areas - Commercial Improvement Programme.

The Committee was in receipt of a report from the Director of Community Development dated 1990 April 15, respecting the 1990 Submission - Business Improvement Areas - Commercial Improvement Programme. The Committee was advised that the details of these projects will come back to the Planning and Development Committee for final approval.

The Committee then approved the following:

(a) That, the Commercial Improvement Programme Submission, attached herewith and marked Appendix "A", be approved at an estimated gross cost of one hundred and thirty-nine thousand, nine hundred and forty dollars ($139,940.); and,

(b) That, the Department of Community Development be authorized to implement the recommendations in (a) above.

NOTE: On 1987 January 19, City Council approved the Department of Community Development's Capital Budget Submission of five hundred thousand dollars ($500,000.) per year for the next five (5) years for a total of two and a half million dollars ($2,500,000.) for the Commercial Improvement Programme. There will be approximately six hundred and sixty-six thousand dollars ($666,000.) unallocated if Appendix "A" is approved.

Site Plan Control Application - DA89-64 to amend DA82-61 and DA86-84 - 985 Upper Ottawa Street and 5 Carson Drive.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 April 23, respecting Site Plan Control Application DA-89-64 to amend DA-82-61 and DA-86-84 for an addition to the existing commercial plaza at 985 Upper Ottawa Street and 5 Carson Drive.

The Committee approved the following:

That approval be given to Site Plan Control Application DA-89-64, amending DA-82-61 and DA-86-84 by BYM Construction Ltd., owners of lands known as 985 Upper Ottawa Street and 5 Carson Drive for an addition to the existing commercial plaza, subject to the following:

(a) Modification to the Plan in relation to notes, dimensions and landscaping as marked in red on the plans; and,

(b) Finalization of the By-law related to Zoning Application 87-60.

The following resolution was forward to City Council for approval with respect to this Site Plan Application:

That in regard to Site Plan Control Application DA-89-64 by BYM Construction Ltd., owners of lands known as 985 Upper Ottawa Street and 5 Carson Drive for an addition to the existing commercial plaza, that the following be approved:

(a) That the plans and drawings of Site Plan Control Application DA-89-64, be registered on title; and,

(b) That the neighbourhood plan be amended to redesignate the subject lands from "Attached Housing" to "Commercial" as approved under Zoning Application ZA-87-60 to permit an expansion to the existing shopping plaza.

NOTE: Since the plans and drawings were submitted as exhibits at the Ontario Municipal Board Hearing held 1989 August 15, they should be registered on title to ensure that the development of the lands are consistent with the Board's decision and the approval of Site Plan Control Application DA-89-64.

Request for By-laws - Section 56 of The Planning Act - City Inititative 90-A, 203 and 205 Hess Street North.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 April 25, respecting a Request for By-laws - Section 56 of the Planning Act - City Initiative 90-A, for properties at 203 and 205 Hess Street North.

Mr. P. Mallard of the Planning Department outlined this report and indicated this uniqueness. Further to this the Committee agreed that a reasonable fee for administration costs be levied for this City Initiative and the Lawyer representing the applicants was in attendance and concurred that this was acceptable to her and her clients.

Accordingly, the Committee approved the following:

That approval be given to City Initiative 90-A, M. and I. Bakai, applicants, for two By-laws to validate title under Section 56 of the Planning Act, for properties located at 203 and 205 Hess Street North, as shown on the attached map marked as Appendix "B", on the following basis:

(a) That the City Solicitor be directed to prepare By-laws pursuant to Section 56 of the Planning Act for presentation to City Council.

IN-CAMERA – matters relating to the Harbour.

At this point the Committee moved IN-CAMERA to discuss matters relating to the Harbour with Mr. Ian Binnie, the City's Solicitor on matters relating to the Harbour.

Zoning amendment requests – Hamilton Harbour Commissioners.

The Committee then moved back into regular session and it was agreed that further to the request of the Hamilton Harbour Commissioners respecting some amendments they would like to see made in areas of the Harbour, that the Hamilton Harbour Commissioners be required to come forward with a specific zoning application on these requests.

The Committee also agreed that when this zoning application from the Hamilton Harbour Commissioners is presented to the Planning and Development Committee that Mr. Ian Binnie, the City's Solicitor on Harbour matters be requested to be in attendance at that meeting in order to give the Committee advice on the Harbour Commissioners request.

C.I.90-B – Harbour Zoning.

The Committee then approved the following City Initiative with respect to Harbour zoning:

(a) That approval be given to Official Plan Amendment No. 87 to modify Policy A.2.7.2 (Utilities) to clarify land use jurisdiction of lands designated "Utilities" in the Hamilton Harbour, and the City Solicitor be directed to prepare a By-law to amend the Official Plan for submission to the Regional Municipality of Hamilton-Wentworth for approval.

(b) That approval be given to City Initiative 90-B to provide for amendments to Zoning By-law No. 6593, as amended by By-law No. 83-239, respecting the proposed "F-3" (Marine Transportation Services) District and "F-4" (Waterfront Services) District, applicable to the lands known as Piers 25 to 27 and Piers 10 to 14, as shown on the attached map marked as Appendix "H", on the following basis:

(i) That By-laws 83-258 and 84-179 be repealed in their entirety;

(ii) That Section 2 of By-law No. 83-239 be amended by deleting the portion beginning with Section 12C - "F-3" District and Section 12D - "F-4" District in their entirety, and substituting the attached Appendix "I" therefor;

(iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593, as amended by By-law 83-239, for presentation to City Council; and

(iv) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the proposed Official Plan amendment is to clarify the intent of the Official Plan respecting land use jurisdiction for those lands designated "Utilities" in the Hamilton Harbour.

The purpose of the proposed By-law amendments is to clarify the intent of the "F-3" (Marine Transportation Services) District and "F-4" (Waterfront Services) District, with respect to the jurisdiction of the Hamilton Harbour Commissioners for shipping and navigation matters.

NOTE: Alderman Merling opposed.

Windermer Basin – process being followed.

Further to discussions on Harbour lands the Committee mentioned Windermere Basin and their concerns that the process that will be used on the land use in that area.

Following some discussion by the Committee on this matter, the Committee directed that a report be brought back to them from the Planning Department containing a one page sketch of the process plans which will be used for land use at Windermere Basin. The Committee also directed that the report contain a list of the membership of the Windermere Basin Technical Advisory Committee. Alderman Merling specifically expressed his view that a senior planner should be involved in that Committee.

Zoning Applications.

The Committee then moved into the City Hall Council Chambers to hear Zoning Applications.

Amended ZA88-119 – 26 Arrowsmith Road.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 April 24, respecting Amended Zoning Application 88-119, for property at 26 Arrowsmith Road.

The Committee approved the following:

(a) That approval be given to Official Plan Amendment No.90 to establish a Special Policy Area to permit general office uses, and the City Solicitor be directed to prepare a By-law of adoption for submission to the Regional Municipality of Hamilton-Wentworth.

(b) That approval be given to amended Zoning Application 88-119, DiMarcantonio Industries Ltd. (S. Dimarcantonio, D. DiMarcantonio, and P. DiMarcantonio), owners, requesting a modification to the "JJ" (Restricted Light Industrial) District and "KK" (Restricted Heavy Industrial) District, to permit general office use within the existing building, for property located at 26 Arrowsmith Road, as shown on the attached map marked as Appendix "C", on the following basis:

(i) That the "JJ" (Restricted Light Industrial) District and "KK" (Restricted Heavy Industrial) District regulations as contained in Sections 16A and 17A of Zoning By-law of No. 6593, applicable to the subject lands, be modified to contain the following variance as a special provision:

(1.) That notwithstanding Sections 16A(1) and 17A(1) of Zoning By-law No. 6593, general offices shall be permitted within the existing building only;

(ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1175, and that the subject lands on Zoning District Map E-103 be notated S-1175;

(iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-103 for presentation to City Council;

(iv) That the proposed change in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon the approval of Official Plan Amendment No.90 by the Regional Municipality of Hamilton-Wentworth.

NOTE: The purpose of the By-law is to provide for a modification to the "JJ" (Restricted Light Industrial) District and "KK" (Restricted Heavy Industrial) District regulations for property located at 26 Arrowsmith Road.

The effect of the By-law is to permit, in addition to the existing manufacturing use, general office uses within the existing building.

Amended ZA89-18 – 469 Bay Street North.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 April 20, respecting Amended Zoning Application 89-18, for property at 469 Bay Street North.

The Committee approved the following:

That approval be given to amended Zoning Application 89-18, H.M. and A.K. Nyhof, owners, for a modification to the "D" (Urban Protected Residential - One and Two Family Dwellings. Townhouses, etc.) District regulations, to permit a residential dwelling unit on the upper level and a sail making and repair shop including canvas work and the sale of marine hardware on the lower level within the existing building, for the property located at 469 Bay Street North, as shown on the attached map marked as Appendix "D", on the following basis:

(a) That the "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District regulations, as contained in Section 10 of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:

(i) That notwithstanding Section 10(1), the following uses shall be permitted:

(1.) Industrial Use only within the first floor of the existing building

(a) A sail making and repair shop including canvas work; and,

(2.) Commercial use only within the first floor of the existing building

(a) A retail store for the sale of marine hardware.

(3.) Accessory Use

(a) One ground sign, wall sign, or projecting sign having an area of not more than 0.4 m^2 non-illuminated or illuminated by non-flashing indirect or interior means only, located not less than 1.5 m from the nearest street line in connection with the commercial and industrial uses.

(ii) That Section 18A(1)(a) shall not apply for the Class "A" dwelling unit on the second floor.

(b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1176, and that the subject lands on Zoning District Map W-2 be notated S-1176;

(c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-2 for presentation to City Council;

(d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of this By-law is to provide for a modification to the "D" (Urban Protected Residential - One and Two Family Dwellings. Townhouses, etc.) District regulations, for the property located at 469 Bay Street North.

The effect of this By-law is to permit a sail making and repair shop including canvas work, and the sale of marine hardware on the lower level within the existing building.

In addition, the by-law permits one wall sign, ground sign or projecting sign not greater than 0.4 m^2 in area, non-illuminated or illuminated by interior means only and not closer than 1.5 m to the street line.

ZA90-14 – 249 Stone Church Road East and 1415 Upper Wellington Street.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 April 25, respecting Zoning Application 90-14, for property at 249 Stone Church Road East and 1415 Upper Wellington Street.

The Committee approved the following:

(a) That approval be given to Zoning Application 90-14, Mount Hamilton Christian Homes Inc., owner, for a change in zoning from "C" (Urban Protected Residential, etc.) District modified to "DE" (Low Density Multiple Dwellings) District modified (Block "1") and for a further modification to the "DE" (Low Density Multiple Dwellings) District (Block "2"), to permit the construction of a 3 storey, 12 unit addition to the existing senior citizen's residence, and to permit the existing two-family dwelling and provide for 17 additional parking spaces, for properties located at 249 Stone Church Road East and 1415 Upper Wellington Street as shown on the attached map marked as Appendix "E", on the following basis:

(i) That the lands described as Block "1" be rezoned from "C" (Urban Protected Residential, etc.) District modified to "DE" (Low Density Multiple Dwellings) District;

(ii) That the "DE" (Low Density Multiple Dwellings) District regulations as contained in Section 10A of Zoning By-law No. 6593 applicable to the lands described as Blocks "1" and "2" be modified to include the following variances as special requirements:

(1.) That notwithstanding Section 10A(1) of By-law No. 6593, a two-family dwelling shall be permitted within the building existing at the date of passing of this by-law, municipally known as 249 Stone Church Road East;

(2.) That notwithstanding Section 10A(3)(iii) of By-law No. 6593, a rear yard of a depth of at least 5.0 m shall be provided and maintained for the building addition on Block "1";

(3.) That Section 4(3)(a) of By-law 6593 shall not apply;

(4.) That notwithstanding Section 18A, Table 1, 1.(g) of By-law No. 6593, a minimum of 73 parking spaces shall be provided and maintained;

(5.) That Section 18A(11) & (12) shall not apply to the most northerly lot line adjoining the parking area;

(6.) That notwithstanding Section 18A(25) of By-law No. 6593, the existing westerly access driveway on Stone Church Road East shall be permitted.

(iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-913a, and that the subject lands on Zoning District Map E-18C be notated S-913a;

(iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-18C for presentation to City Council;

(v) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

(b) That By-law 83-165 be repealed.

NOTE: The purpose of this By-law is to provide for a change in zoning from "C" (Urban Protected Residential, etc.) District to "DE" (Low Density Multiple Dwellings) District modified (Block "1"), and for a further modification to the "DE" (Low Density Multiple Dwellings) District (Block "2"), for properties located at 249 Stone Church Road East and 1415 Upper Wellington Street.

The effect of the By-law is to permit the construction of a 3 storey, 12 unit addition to the existing senior citizens' residence (Blocks "1" & "2"), and to permit a two-family dwelling in the existing building on Block "1".

In addition, the by-law provides for the following variances as special requirements.

(a) To permit a minimum rear yard of 5.0 to be provided and maintained for the building addition on Block "1" whereas a minimum rear yard of 7.5 m is required (Section 10A(3)(iii));

(b) To permit two principal residential buildings on the lot (Section 4(3)(a));

(c) To require a minimum of 73 parking spaces to be provided and maintained (Section 18A Table 1 1.(g));

(d) To delete the requirement of a 1.5 m wide landscape planting strip along the most northerly lot line adjoining the parking area (Section 18A (11) & (12));

(e) To permit the existing westerly access driveway on Stone Church Road East. (Section 18A(25)).

ZA89-76 - 206-210 Jackson Street East.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 April 24, respecting Zoning Application 89-76, for property at 206-210 Jackson Street East.

Report of the circularization was given as follows:

546 notices sent 18 in favour 4 opposed

Mr. James Jordan, 214 Jackson Street East spoke to the Committee and requested clarification on matters such as whether a fence would be placed along the east side of the property, whether adequate parking would be provided, and when construction would begin.

The developers then responded to Mr. Jordan's questions by indicated that construction is anticipated by late Summer or early Fall of 1990, that ample parking, above the required number of parking spaces, will be provided and that a fence along the east side of the property will be erected.

The Committee then approved the following:

That approval be given to an amended Zoning Application 89-76, First Place Hamilton, owner, requesting a modification to the "E" (Multiple Dwellings, Lodges and Clubs, etc.) District, to permit the development of the subject lands for a six storey, 29 unit, non-profit senior citizen apartment building, for the property located at 206-210 Jackson Street East, as shown on the attached map marked as Appendix "F", on the following basis:

(a) That the "E" (Multiple Dwellings, Lodges and Clubs, etc.) District regulations, as contained in Section 11 of Zoning By-law No. 6593, applicable to the subject lands be modified to include the following variances as special requirements:

(i) That notwithstanding Section 11.(1), a senior citizens multiple dwelling containing a maximum of 29 units shall be permitted;

(ii) For purposes of this by-law, a senior citizens multiple dwelling means a multiple dwelling in which all residents are at least 60 years of age or older;

(iii) That notwithstanding Section 11.(5), the floor area ratio shall not exceed 1.99.

(iv) That notwithstanding Section 18A.(1), Table 1, a minimum of 0.3 parking space for each Class "A" dwelling unit shall be required.

(v) That notwithstanding Sections 18A.(1)(a) and (b), and 18A.(9), the required parking spaces shall be permitted to be located off-site on the property located at the north-east corner of Jackson Street East and Ferguson Avenue South.

(vi) That sections 18A.(11) and (12) shall not apply to the loading space.

(b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1177, and that the subject lands on Zoning District Map E-5 be notated S-1177;

(c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-5 for presentation to City Council;

(d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

(e) That the approved Corktown Neighbourhood Plan be amended by redesignating the subject lands from "Medium Density Apartments" to "High Density Apartments".

(f) That the amending by-law not be passed by City Council until:

(i) The site plan has been approved by the Planning and Development Committee;

(ii) The applicant places a restrictive covenant on title to the satisfaction of the City's Solicitors Department respecting the shared parking arrangement; and,

(iii) The property be placed under the same ownership as the property located at the northeast corner of Jackson Street East and Ferguson Avenue South to the satisfaction to the City Solicitors Department.

NOTE: The purpose of the by-law is to provide for a modification to the "E" (Multiple Dwellings, Lodges, Clubs. etc.) District for the property located at 206-210 Jackson Street East.

The effect of the by-law is to permit the development of the subject lands for a six storey, 29 unit, non-profit senior citizens apartment building.

In addition, the by-law provides for the following variances:

(a) To permit a maximum floor area ratio of 1.99 instead of the by-law requirement of 1.7;

(b) To permit a minimum of 9 parking spaces instead of the required 24 spaces;

(c) To allow the required parking spaces to be located on the lands located at the northeast corner of Jackson Street East and Ferguson Avenue South; and,

(d) To exempt the required loading space from the setback and landscaping requirements.

Amended ZA87-130 – north east corner of Jackson Street East and Ferguson Avenue South.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 April 24, respecting Amended Zoning Application 87-130, for property on the north-east corner of Jackson Street East and Ferguson Avenue South.

The Committee approved the following:

That approval be given to an amended Zoning Application 87-130, First Place Hamilton, owner, requesting a change in zoning from "H" (Community Shopping and Commercial, etc.) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District modified (Block "1"), and a modification to the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District (Block "2"), to permit the construction of a seven storey, 50 unit non-profit apartment building containing a day nursery for a maximum of 48 children on the ground floor, for the property located at the northeast corner of Jackson Street East and Ferguson Avenue South, as shown on the attached map marked as Appendix "G", on the following basis:

(a) That Block "1" be rezoned from "H" (Community Shopping and Commercial, etc.) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District;

(b) That the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations, as contained in Section 11 of Zoning By-law No. 6593, applicable to Blocks "1" and "2", be modified to include the following variances as special requirements:

(i) A multiple dwelling containing a maximum of 50 units shall be permitted;

(ii) That notwithstanding Section 11.(1), a day nursery for not more than 48 children shall be permitted in conjunction with the multiple dwelling;

(iii) That notwithstanding Section 11.(3)(i)(b), a front yard depth of at least 6.5 m shall be provided and maintained;

(iv) That notwithstanding Section 11.(3)(ii)(b), a westerly side yard of width of at least 0.8 m shall be provided and maintained;

(v) That notwithstanding Section 11.(5), the floor area ratio shall not exceed 2.34.

(vi) That notwithstanding Section 18A.(1)(a), a minimum of 63 parking spaces shall be provided and maintained;

(vii) That notwithstanding Section 18A(7), a raised curb (wheelstop) shall be permitted;

(viii) That Sections 18A(11) and (12) shall not apply to the loading space.

(c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1178, and that the subject lands on Zoning District Map E-5 be notated S-1178;

(d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-5 for presentation to City Council;

(e) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

(f) That the approved Corktown Neighbourhood Plan be amended by redesignating the subject lands from "Commercial and Apartments" to "High Density Apartments".

(g) That the amending by-law not be passed by City Council until:

(i) The site plan has been approved by the Planning and Development Committee;

(ii) The applicant place a restrictive covenant on title to the satisfaction of the City Solicitors Department respecting the shared parking arrangement;

(iii) The property be placed under the same ownership as the property located at 206-210 Jackson Street East to the satisfaction of the City Solicitors Department; and,

(iv) The applicant place a warning clause on title as per CN's letter to the satisfaction of the City Solicitors Department.

NOTE: The purpose of the by-law is to provide for a change in zoning from "H" (Community Shopping and Commercial, etc.) District to "E" (Multiple Dwellings, Lodges and Clubs), modified District (Block "1") and a modification to the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District (Block "2") for the property located at the north-east corner of Jackson Street East and Ferguson Avenue South.

The effect of the by-law is to permit the development of the subject lands for a 7 storey, 50 unit non-profit multiple dwelling containing a day nursery for a maximum of 48 children on the ground floor.

In addition, the by-law will provide for the following variances:

(a) To permit a day nursery having a maximum of 48 children within the apartment building whereas only 25 children would be permitted;

(b) To permit a maximum floor area ratio of 2.34 whereas the by-law permits 1.7;

(c) To permit a minimum westerly side yard of 0.8 m whereas the Zoning By-law requires 4.36 m;

(d) To permit a minimum front yard of 6.5 m whereas the Zoning By-law requires 11.84 m;

(e) To require a minimum of 63 parking spaces on-site whereas 48 are required;

(f) To permit raised curbs within the parking space; and,

(g) To exempt the loading space from setback, landscaping and buffering requirements.

ZA90-19 – south-west corner of Upper Sherman Avenue and Limeridge Road East.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 April 20, respecting Zoning Application 90-19, for property at the south-west corner of Upper Sherman Avenue and Limeridge Road East.

The Committee was in receipt of a submission from Judy Dillon, 613 Limeridge Road East.

The Committee was also in receipt of a letter from the applicant requesting that his zoning application be tabled indefinitely.

Accordingly, the Committee agreed to table Zoning Application 90-19.

ZA90-23 – 14 Duke Street.

The Committee was in receipt of a Faxmemo from Mr. Brian Ulrich, respecting property at 14 Duke Street. Mr. Ulrich advises the Committee that their Zoning Application 90-23, for property at 14 Duke Street is no longer required since changes to their application has made a zoning change unnecessary.

Accordingly, the Committee tabled this application.

Upper James Street Land Use Review (between Wembley and South Bend Road)

The Committee was advised that the matter respecting Upper James Street Land Use Review (between Wembley and South Bend Road) should be tabled to the next meeting of the Committee since the Ward Alderman is out of town on Regional business. Accordingly, the Committee agreed to table this report.

Impact of a fast-food restaurant traffic generation.

Under other business, Alderman Merling spoke to the Committee about his concerns respecting a fast food restaurant and the impact that is being felt by the Neighbourhood since no parking is available in the area.

The Deputy Building Commissioner responded and indicated that a take-out restaurant does not require parking. It was indicated by the Alderman that even though no parking signs are posted that a driveway which is to be used for staff only is being used by patrons. It was suggested to the Alderman that this driveway could be barricaded at the property line and the Alderman indicated that he would look into this matter further.

C.I.89-E – regulations for establishments selling/repairing firearms.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 April 24, respecting City Initiative 89-E, respecting the regulations for establishments selling/repairing firearms.

A delegation from the area made a submission on behalf of the South-West Neighbourhood Group and submitted a written document respecting their concerns.

Considerable discussion ensued on this matter by the Committee and the following recommendation was approved:

That approval be given to City Initiative 89-E to provide for amendments to Zoning By-law No. 6593 respecting the regulations for establishments selling/repairing firearms, on the following basis:

(a) That the following definition of a gun shop be added to Section 2(2)D of Zoning By-law No. 6593:

"(iiia) "Gun shop" shall mean any building or premises that:

1. includes the purchase or sale, making, repair, alteration, modification or taking in pawn of firearms; or,

2. involves the purchase or sale of ammunition."

(b) That Section 14(1)(xiv) of Zoning By-law No. 6593 be amended by deleting the words "gunsmith's or" in the sixth line;

(c) That Section 13A(1) of Zoning By-law No. 6593 be amended by adding the following subsection:

"(ixb) A gun shop;"

(d) That Section 13B(1) of Zoning By-law No. 6593 be amended by adding the following subsection:

"(l) A gun shop;"

(e) That Section 13D(1) of Zoning By-law No. 6593 be amended by adding the following subsection:

"(xvia) A gun shop;"

(f) That Section 16(1) of Zoning By-law No. 6593 be amended by adding the following subsection:

"(iva) A gun shop;"

(g) That Section 16A(1) of Zoning By-law No. 6593 be amended by adding the following subsection:

"(ek) A gun shop;"

(h) That Sections 17C(1)(c), 17D(1)(c), 17E(1)(c), 17F(1)(c), 17G(1)(c) of Zoning By-law No. 6593 be amended by adding the following to Table 4:

		"District				
Identification Number	Use Not Prohibited	M11	M12	M13	M14	M15
N/A	Gun Shop	X	X	X	X	X"

(i) That Section 18 of Zoning By-law No. 6593 be amended by adding a new subsection to the following effect:

"Special requirements for establishments selling/repairing firearms

(12) Notwithstanding any provisions of this By-law, every gun shop shall comply with the following:

(a) Display

No window display of firearms shall be permitted.

(b) Location Requirement

A minimum radial separation distance of 300 m shall be provided from the lot line to the lot line of any school."

(j) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 for presentation to City Council; and,

(k) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide for amendments to Zoning By-law No. 6593 to establish new regulations for establishments selling/repairing firearms.

The effect of the By-law is to establish a new definition of a gun shop as follows:

" Gun shop shall mean any building or premises that:

1. includes the purchase or sale, making, repair, alteration, modification or taking in pawn of firearms; or,

2. involves the purchase or sale of ammunition."

The By-law also permits gun shops in the following zoning districts only:

"G-1"	(Designed Shopping Centre) District
"G-2"	(Regional Shopping Centre) District
"G-4"	(Designed Neighbourhood Shopping Area) District
"J"	(Light and Limited Heavy Industry, etc.) District
"JJ"	(Restricted Light Industrial) District
"K"	(Heavy Industry, etc.) District
"KK"	(Restricted Heavy Industrial) District
"M-11"	(Prestige Industrial) District
"M-12"	(Prestige Industrial) District
"M-13"	(Prestige Industrial) District
"M-14"	(Prestige Industrial) District
"M-15"	(Prestige Industrial) District.

In addition, the By-law prohibits the window display of firearms and requires a minimum separation distance of 300 m (1,000 feet) between a gun shop and a school.

For the information of the members of City Council, the Planning and Development Committee have directed that the City Solicitor investigate and report back on possible methods which could be implemented by the City on control of the storage of gunpowder and ammunition.

Further to this matter, the Committee also approved the following:

That the City Solicitor investigate and report back to the Planning and Development Committee on what prohibitive measures can be taken by the City of Hamilton to limit the amount of ammunition contained in a gun shop.

There being no further business, the meeting then adjourned. Adjournment.

Taken as read and approved,

ALDERMAN J. SMITH, CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE

Susan K. Reeder

Susan K. Reeder
Secretary
1990 May 2nd



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25175	GREEN/VERT	BPS2507
25178	RED/ROUGE	BFS2507
25179	X. RED/ROUGE X.	BXS2507

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